

logical developments and of our best current estimates of the military capabilities of any potential aggressor. On the basis of these appraisals, we must make such readjustments as are necessary to keep our deterrent power at adequate levels. And let us resolve once and for all that America has the resources and the will to maintain the absolute deterrent strength necessary for survival, whatever sacrifices may be required.

But the maintenance of military strength adequate to deter aggression, while absolutely essential for our survival, does not by itself meet the responsibilities of world leadership which are ours.

We must leave no stone unturned in our efforts to find some more effective guarantee against the terrible destruction of nuclear war than the mere maintenance of a balance of terror.

We must continue to follow the President's leadership in his willingness to discuss our differences at the conference table whenever there is a prospect for success; in his search for an effective formula under which we could reduce the burden of armaments and discontinue testing of even more destructive nuclear weapons; and in his steadfast devotion to the principle that the United States must take the leadership in substituting the rule of law for the rule of force as a method of settling disputes between nations.

Above all, we must recognize that the greatest danger we face is in the nonmilitary rather than the military area. Millions of Americans heard Mr. Khrushchev on his recent visit to this country lay down his blunt challenge for peaceful competition between the Communist and the free world.

What should our answer be?

We should make it clear at the outset that we welcome competition, provided both sides compete under the same set of rules and provided the competition takes place both in the Communist and the free world. After all, competition is our idea. It is the motivating drive responsible for the economic, political, and cultural progress of this Nation. We are glad that Mr. Khrushchev recognizes its merits and we welcome his challenge.

Can we win in this competition? The answer is—yes, if we recognize some basic factors.

We must avoid at all costs any overconfidence just because the Communist idea is repugnant to us or because of our belief that the Communist system has built-in weaknesses which will eventually bring about its downfall.

We must always remember that a totalitarian system, in the short run, can concentrate immense power on chosen objectives; that the Russian people are working long and hard under the driving direction of fanatically dedicated leaders who are motivated by but a single objective—the communization of the world; that the leaders as well as the people have a highly developed competitive spirit and that they have the advantage of anyone who is running behind in a race—the stimulus of trying to catch up and pass the front runner.

We can win in this competition, in other words, if we recognize their strength and if we work harder, believe more deeply, and are motivated by an even stronger competitive spirit than theirs.

But in recognizing the seriousness of their challenge, we could make no greater mistake than to go overboard and start to judge American institutions by the Communist yardstick.

They have a patent on the system of bureaucracy, government controls, and government domination. But even they have found it necessary to modify their system by increasingly providing greater rewards for those who make the greatest contributions to their economy.

In other words, they are finding it necessary to turn our way. At a time they are turning our way, the greatest mistake we could make would be to turn their way.

Our answer to them, therefore, in the area of economic competition must not be more Government spending and more Government controls but stimulation and encouragement of the creative energies of millions of free peoples and of our system of productive private enterprise.

And we must not make the mistake of just meeting them on their chosen battleground. The answer to atheistic Communist materialism is not just more and better materialism.

To put it simply, they offer progress at the cost of freedom. Our alternative is progress

with freedom—and, in fact, progress because of freedom.

I realize that there are many who complain that the Communists have a sense of purpose which we lack. And there is no question but that they do have a sense of purpose—that of imposing the Communist system on all the nations of the world.

We can certainly agree that we do not have this sense of purpose. Because, as the President reiterated over and over again on his recent trip, far from wanting to impose our system on other nations, we believe that all peoples must be free to choose the kind of government they want.

But the fact that we have no desire to conquer the world does not mean that our alternative to communism is simply to leave the world as it is—ignoring the misery, disease, and inequity on which communism thrives. We, too, have a purpose and a mission in the world today—and that is what we must make clear as we meet the Communist challenge.

We offer our partnership, our advice, and assistance in helping peoples everywhere to achieve the economic progress which is essential if they are to have better food and housing and health than they presently enjoy.

But we do not stop here. We say, broaden competition between communism and freedom to include the spiritual and cultural values that have especially distinguished our civilization and enriched our lives.

We insist that man needs freedom—freedom of inquiry and information, freedom to seek knowledge, to express his views, freedom to choose his own leaders and hold them strictly accountable, freedom to shape his own destiny—and above all—freedom to worship God in the light of his own conscience.

Let our mission in the world today be to extend to all mankind not just the ideal but the fact of freedom—by preserving and protecting and defending it, by helping others achieve it, by offering our own example of a free society at work.

This mission is not new. It is the heart of the American idea that goes back to the very foundation of this free Republic. It is the essence of the crusade launched here 7 years ago and we can be proud tonight that our great President, Dwight D. Eisenhower, is its living symbol in America and throughout the world.

SENATE

FRIDAY, JANUARY 29, 1960

(Legislative day of Wednesday, January 27, 1960)

The Senate met at 11 o'clock a.m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, who, under all the wild commotion which, sweeping across the face of the earth, doth still control the evil forces which for the hour seem to defeat Thy purpose and hinder the coming of Thy kingdom, help us so to confront the problems that face us that from them may come victory to our own souls and spiritual gain for the world.

Grant that our hearts may be shrines of prayer and our free Nation a bulwark for the oppressed, a flaming beacon of hope whose beams shall battle the darkness in all the world.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 28, 1960, was dispensed with.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the following committees and subcommittees were authorized to sit during the session of the Senate today:

The Committee on Rules and Administration.

The Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there may be the usual morning hour, and that statements made in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF DIRECTOR OF SELECTIVE SERVICE SYSTEM

A letter from the Director, Selective Service System, Washington, D.C., transmitting, pursuant to law, his report for the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on Armed Services.

REPORT OF DISTRICT OF COLUMBIA ARMORY BOARD

A letter from the Managing Director, District of Columbia Armory Board, Washington, D.C., transmitting, pursuant to law, a report of that Board for the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on the District of Columbia.

BALANCE SHEET OF POTOMAC ELECTRIC POWER CO.

A letter from the president, Potomac Electric Power Co., Washington, D.C., transmitting, pursuant to law, a copy of the balance sheet of that company, as of December 31,

1959 (with accompanying papers); to the Committee on the District of Columbia.

REPORT OF ADMINISTRATOR OF GENERAL SERVICES

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, his report on the operations of that Administration, for the fiscal year 1959 (with an accompanying report); to the Committee on Government Operations.

SALE OF INDIAN TIMBER

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of June 25, 1910 (36 Stat. 857, 25 U.S.C. 406, 407), with respect to the sale of Indian timber (with an accompanying paper); to the Committee on Interior and Insular Affairs.

AMENDMENT OF COMMUNICATIONS ACT, RELATING TO REQUIREMENT FOR ANNUAL REPORT ON PERSONNEL

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting a draft of proposed legislation to amend section 4(k) of the Communications Act of 1934, as amended, by relieving the FCC of the duty of making the annual report of personnel as now required by subsection (3) of section 4(k) (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

REPORT ON CLAIMS PAID RESULTING FROM CORRECTION OF MILITARY RECORDS OF COAST GUARD PERSONNEL

A letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, a report covering claims paid during the 6 months' period ending December 31, 1959, on account of the correction of military records of Coast Guard personnel (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of the State of South Carolina, relating to problems involved in the usage of soil and water resources in the Middle Atlantic coastal plains areas; to the Committee on Appropriations.

(See the above concurrent resolution printed in full when presented by Mr. THURMOND (for himself and Mr. JOHNSTON of South Carolina) on January 28, 1960, p. 1498, CONGRESSIONAL RECORD.)

A resolution of the House of Representatives of the State of Kentucky; to the Committee on Labor and Public Welfare:

"HOUSE RESOLUTION 16

"Resolution memorializing the Congress of the United States to extend Public Law No. 550, 82d Congress, relating to education and training benefits, to service men and women as long as the draft continues

"Whereas the Congress of the United States, expressing the will of the citizenry by the enactment of the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Congress) and the Veterans' Readjustment Act of 1952 (Public Law 550, 82d Congress), recognized the justice, equity, and general value of a sound education and training program for the veterans of our country; and

"Whereas the legislation enacted to provide such education and training benefits was for the purpose of restoring lost educational opportunities to those men and women who served in the Armed Forces of our country and has accomplished this purpose and has been an immeasurable factor in

contributing to the economic security of our veterans and their families as well as to the security of the Nation as a result of the increase in our general educational level and in the professional and technical skills of the veterans; and

"Whereas the increased earning power of the veterans directly attributable to the program is resulting in payment of increased income taxes which will more than repay the total cost of the program; and

"Whereas notwithstanding the continuing involuntary military service program, Public Law 7, 84th Congress, denies entitlement to education and training benefits to all veterans who first entered service after January 31, 1955, which is grossly inequitable: Now, therefore, be it

"Resolved by the House of Representatives of the Commonwealth of Kentucky—

"SECTION 1. That the Congress of the United States extend education and training benefits similar to the benefits provided by Public Law 550, 82d Congress, as amended, to all veterans of our country who served during any period in which involuntary military service is authorized, and urges the Congress of the United States to enact legislation to accomplish this objective.

"SEC. 2. That the clerk of the house send attested copies of this resolution to the President of the U.S. Senate, the Speaker of the House of Representatives, the chairman of the Education Committee of each House, and to each Member of the Kentucky delegation in the Congress of the United States."

TRIBUTES TO SENATOR GREEN OF RHODE ISLAND

Mr. PASTORE. Mr. President, I am in receipt of numerous resolutions and editorials in further connection with the announcement of my colleague, Senator THEODORE FRANCIS GREEN, that he will not seek reelection in 1960. I ask unanimous consent to have these resolutions and editorials printed in the RECORD:

A resolution adopted by the General Assembly of the State of Rhode Island and Providence Plantations at its January session, A.D. 1960.

A resolution adopted by the stockholders of the Plantations Bank of Rhode Island on January 21, 1960.

A resolution adopted by the Disabled American Veterans, Department of Rhode Island, on January 25, 1960.

A resolution adopted by the Council of the City of Newport, R.I., on January 20, 1960.

An editorial from the Fall River (Mass.) Herald News for January 13, 1960.

An editorial from the Paterson (N.J.) Morning Call for January 16, 1960.

An editorial from the Trentonian for January 18, 1960.

An article from the newspaper, Labor, January 23, 1960.

There being no objection, the resolutions and editorials were ordered to be printed in the RECORD, as follows:

H. 1078

Resolution extending to Hon. THEODORE FRANCIS GREEN, U.S. Senator from the State of Rhode Island and Providence Plantations, the heartfelt commendation of the Rhode Island General Assembly and the people of the State for his extraordinary devotion to State, Nation, and the world

There have been many long, arduous years since Hon. THEODORE FRANCIS GREEN, U.S.

Senator from the State of Rhode Island and Providence Plantations, made the decision to devote his ability and statesmanship to the State of Rhode Island, the Nation, and the world.

A linguist and scholar of brilliance, Phi Beta Kappa, and alumnus of Brown, Harvard Law, and the Universities of Bonn and Berlin, Senator GREEN is also a connoisseur of art, music, and architecture.

The details of his biography are and will be fully covered elsewhere, carrying salient achievements, including on file in the libraries of the State and Nation, micro-filming of newspapers and day-to-day record of his efforts to do his legislative and citizenship share, believing that it should be to do so within his ability as the right and responsibility of every citizen to give his utmost.

So many accolades are his, we feel that we cannot in this general assembly resolution add anything more than has already been said. In his vital 92 years, he has devoted great consideration with feeling and understanding to so many needy problems with brilliant and true comprehension of universal needs.

We must always remember that through the years his decisions have had one motive—the welfare of the people as a whole—not just for party or State: Now, therefore, be it

Resolved, That the members of this general assembly join the accord which the Nation and the world are giving, thanking the Honorable THEODORE FRANCIS GREEN for his endeavor, with honesty of purpose and intent; and be it further

Resolved, That a duly certified copy of this resolution be transmitted by the secretary of state to U.S. Senator THEODORE FRANCIS GREEN, in tribute to his amazing career and his longevity.

AUGUST P. LA FRANCE,
Secretary of State.

RESOLUTION BY PLANTATIONS BANK OF RHODE ISLAND, PROVIDENCE, R.I.

Whereas the Honorable THEODORE FRANCIS GREEN has announced his intention not to seek reelection to his seat in the Senate of the United States of America; and

Whereas Senator GREEN has distinguished himself beyond measure in the fulfillment of his duties to his State and Nation, first as Governor of Rhode Island and then as U.S. Senator; and

Whereas Senator GREEN has devoted a lifetime of service not only to the people of this State and Nation, but to the people of the world as well; and

Whereas it is beyond the limits of this expression to detail his accomplishments and contributions to his fellow man because of their vast number and scope; and

Whereas the shareholders of Plantations Bank of Rhode Island have been singly honored by having him as chairman of the board of directors since he founded the bank in 1915, and during that long period have had the benefit of his superior knowledge and experience which have contributed immeasurably to the progress and growth of this institution: Now, therefore, be it

Resolved, That the stockholders at this annual meeting unanimously tender to the Honorable THEODORE FRANCIS GREEN their esteem and affection, and their heartfelt wishes for a longer life, continued good health, and sincere wishes that in the years ahead, his retirement from public office will serve to provide him with more time in which he may continue by active participation in State, national, and the world events to bring to the people he loves the benefit of his tremendous devotion and experience.

Secretary.

JANUARY 21, 1960.

RESOLUTION BY LAWSON-RAIOLA DISABLED AMERICAN VETERANS, CHAPTER NO. 15

Whereas the recent decision of Rhode Island's senior U.S. Senator, THEODORE FRANCIS GREEN, not to seek reelection in 1960 signalizes regrettably the end of a distinguished career of public service to the people of Rhode Island, to the Nation, and to the world by a truly great American; and

Whereas the Rhode Island of which we are justly proud; the United States of America to which we pledge our loyalty and devotion; and the entire world in which destiny has entrusted us with the reins of leadership have been enriched by the vigor, wisdom, and tireless efforts of THEODORE FRANCIS GREEN during the nearly three-quarters of a century that he has served selfless in public office; and

Whereas as a scholar, philanthropist, lawyer, educator, successful businessman, elected and reelected chief executive of Rhode Island, U.S. Senator for 23 years, former chairman of the Senate Foreign Relations Committee, former chairman of the Senate Committee on Rules and Administration, Senator THEODORE FRANCIS GREEN has with great distinction compiled an incomparable record of public service which goes back before the turn of the century and includes military and civilian service during four wars and other periods of peril that confronted our Nation; and

Whereas disabled veterans of Rhode Island, as well as all veterans, are ever mindful and abidingly grateful of the constant concern and compassion which THEODORE FRANCIS GREEN throughout his many decades of public service quickly and sincerely manifested in their welfare; and

Whereas the very existence today of the magnificent Veterans' Administration hospital in Providence, R.I., is but one of many hallmarks standing in testimony to Senator GREEN's achievements for, and in behalf of, veterans: Now, therefore, be it

Resolved, That the entire membership of Lawson-Raiola Disabled American Veterans Chapter No. 15, Bristol, R.I., does herewith, in deep sincerity and high admiration, express its appreciation to the Honorable THEODORE FRANCIS GREEN, senior U.S. Senator from Rhode Island, for his noble accomplishments in the cause of our State, Nation, and the world, and that we, as disabled veterans in lasting remembrance of his remarkable span of extraordinary public service, do pray that the choicest of God's blessings be abundantly showered upon him for many, many years; and be it further

Resolved, That a copy of this resolution be forwarded to the Honorable THEODORE FRANCIS GREEN; and that additional copies be sent to the Disabled American Veterans, Department of Rhode Island; to the Honorable JOHN O. PASTORE, U.S. Senator; and to the press.

JOHN D. SILVESTER,
Commander.
ALBERT P. RUSSO,
Adjutant-Treasurer.

RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT

Whereas the Council of the City of Newport has learned of the difficult decision of Senator THEODORE FRANCIS GREEN to retire from the U.S. Senate after a long and illustrious career; and

Whereas the Council of the City of Newport, ever mindful of the service rendered to the city of Newport and State of Rhode Island by the distinguished senior Senator from Rhode Island, do hereby, on this 20th day of January A.D. 1960, wish him a well earned retirement and many long years of happy living and good health: Now, therefore, be it

Resolved, That a certified copy of this resolution, signed by the Honorable James L.

Maier, mayor, and countersigned by the city clerk, be transmitted to the Honorable THEODORE FRANCIS GREEN.

JAMES L. MAIER,
Mayor.
JOHN F. FITZGERALD,
City Clerk.

[From the Fall River (Mass.) Herald News, Jan. 13, 1960]

GREEN'S RETIREMENT IS CAUSE FOR REGRET

Senator THEODORE FRANCIS GREEN's decision not to run for reelection can hardly be considered surprising in view of his age. Senator GREEN is now 92; if he were to be reelected, it would be for a term of 6 years. The Rhode Island Senator has already long passed any normal retirement age. He has now announced that infirmities of eyesight and hearing have forced him to forego another campaign and possibly another arduous term in Congress.

Although his decision is not surprising, it is nonetheless a matter for genuine regret. Senator GREEN's career has been more than a triumph of longevity. Rather, it has been a model of commonsense, a certain innocent worldly wit and wisdom, plus a real concern for the well-being of Rhode Island and the Nation as a whole.

These qualities he possessed from the start. They were less dramatic than other qualities which pushed some political hopefuls into the limelight early in life and kept them there spectacularly for a short time. But as the years passed, to these initial characteristics were added a maturity of judgment which can only be the fruit of experience. Finally, Senator GREEN became the epitome of a type altogether too rare in American public life, the elder statesman.

This country has always overvalued change. It has always been in a hurry. Too often it has sacrificed tradition for novelty. Too frequently it has failed to recognize the enhanced value of age in terms of judgment and experience. It is to the credit of Rhode Island that its voters recognized Senator GREEN's value to the State and the Nation by reelecting him.

And Senator GREEN himself lived up to the confidence displayed in him by retaining up to the present a phenomenal capacity for adjustment which will, one hopes, serve to keep him young for many happy years to come.

[From the Paterson (N.J.) Morning Call, Jan. 16, 1960]

A BIT TIRED AT 92

When THEODORE FRANCIS GREEN was elected to the Senate for the first time in 1936 at the age of 70, he was already an old man by some standards. But not by THEODORE FRANCIS GREEN's standards.

At the time he entered the Senate, this veteran of the Spanish-American War had already had a 30-year political career. He began as a member of the Rhode Island House of Representatives and had risen to become Governor of the State before going to Washington.

And then, instead of serving out his 6-year term in the Senate as an honorable prelude to retirement, he remained on the job for 24 years. Now, at 92, he will not seek reelection. He is the oldest Senator in the Nation's history. We congratulate him on his decades of able public service.

[From the Trentonian, Jan. 18, 1960]

NOT FINAL?

The case of Senator THEODORE FRANCIS GREEN, of Rhode Island, is difficult to understand.

He has decided not to seek reelection. While it's true that he's 92, age alone hardly could be the sole factor in such a decision

by a man whose entire (and distinguished) senatorial career came after he had reached 70.

Seems to us that Senator GREEN was just feeling poorly. Maybe he'll change his mind.

[From Labor, Jan. 23, 1960]

TRIBUTES TO GREEN

Senator THEODORE FRANCIS GREEN, Democrat, of Rhode Island, who at 92 is the oldest Member of the Senate, announced last week he will not run for reelection when his term expires at the end of this year. His announcement brought forth a flood of warm tributes to him in the Senate, from spokesmen for both parties.

GREEN's Democratic colleague from Rhode Island, Senator JOHN O. PASTORE, paid the main tribute.

"THEODORE GREEN was a Democrat when it was not traditional for a person of his wealth and position to enlist in the then minority party in Rhode Island," PASTORE said. "No man did more than he to make it the majority party. Twenty-eight years ago, he led his party to power in his State. As Governor, he brought a fresh point of view—human and modern—to the State government."

"For 24 years, GREEN has graced this Senate floor. These halls have been abundant witness to his statesmanship. This is the Senate that he loves, and that loves him. He is a man who gives and commands loyalty. For him, no task was too intricate, no journey too arduous, fulfilling his obligations. He never ceased to be the servant of every good cause, educational, social, philanthropic."

"I know that Senators join me in this prayer: May God grant him many more years of health, happiness, and helpfulness."

RESOLUTION OF NEW ENGLAND CONFERENCE OF PUBLIC UTILITIES COMMISSIONERS

Mr. PASTORE. Mr. President, a resolution adopted by the New England Conference of Public Utilities Commissioners has been received by my office in opposition to S. 1789, Calendar No. 447, a bill to amend section 1(14) (a) of the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply, and for other purposes.

I might say, parenthetically, that this title is very misleading. In my opinion, this legislation is very discriminatory toward the railroads of the New England area and will do irreparable harm to our economy if it should become law.

I have already spoken on this subject on several occasions, but, suffice it to say that if we need more railroad freight cars this, in my opinion, is the wrong way to get them. Accordingly, I would hope that this legislation would be defeated, but at least that it would be referred back to committee for further consideration, thereby allowing these commissioners to come here to Washington to give their views in a more detailed fashion.

I ask unanimous consent that the resolution be printed at this point of my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION TO THE INTERSTATE AND FOREIGN COMMERCE COMMITTEES OF THE 86TH CONGRESS, 2D SESSION

Whereas the public utilities commissioners of the States of Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and the

Commonwealth of Massachusetts, in meeting assembled at Manchester, N.H., on January 20, 1960, after full discussion; and

Whereas the said commissioners having considered the adverse effects of these bills if enacted into law not only upon the railroads of the northeastern section of the United States but also upon the economy in general of this entire area; and

Whereas said commissioners are aware of the pending per diem cases before the Interstate Commerce Commission resulting from the Federal court decision in the premises and the studies of committees of the Association of American Railroads on the question of a proper basis of compensation to be paid for the use of freight cars: Now, therefore, be it

Resolved, That while said commissioners favor the increase of the national freight car fleet, they hereby record themselves as unalterably opposed to the passage of any of the above cited bills or similar bills which would have the effect of authorizing the Interstate Commerce Commission to fix by penalty the compensation to be paid for the use of freight cars; and it is hereby further

Resolved, That it is the unanimous opinion of said commissioners that such legislation would not accomplish the stated purpose of increasing the national freight car fleet but rather would be highly detrimental to the eastern railroads; and it is hereby further

Resolved, That a copy of this resolution be forwarded forthwith to the members of the Interstate and Foreign Commerce Committees of both branches of the U.S. Congress.

GEORGE A. McLAUGHLIN,
Secretary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HENNINGS, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 82. Concurrent resolution extending the Joint Committee on Washington Metropolitan Problems (Rept. No. 1064);

H. Con. Res. 449. Concurrent resolution to print as a House document the publication "Facts on Communism—Volume 1, the Communist Ideology" and to provide for the printing of additional copies;

H. Con. Res. 457. Concurrent resolution to authorize printing as a House document a publication relating to the nomination and election of President and Vice President, including the manner of selecting delegates to national political conventions;

S. Res. 208. Resolution authorizing the employment by the Committee on Post Office and Civil Service of an additional clerk;

S. Res. 209. Resolution authorizing an investigation of the postal service (Rept. No. 1068);

S. Res. 210. Resolution providing additional funds for the Select Committee on National Water Resources (Rept. No. 1070);

S. Res. 220. Resolution providing additional funds for the Committee on Banking and Currency (Rept. No. 1066);

S. Res. 221. Resolution authorizing the Committee on Banking and Currency to investigate certain matters pertaining to public and private housing (Rept. No. 1065);

S. Res. 225. Resolution providing additional funds for the Select Committee on Small Business (Rept. No. 1069);

S. Res. 226. Resolution providing for an investigation of national penitentiaries (Rept. No. 1048);

S. Res. 230. Resolution authorizing the Committee on Interior and Insular Affairs to investigate certain matters within its jurisdiction (Rept. No. 1067);

S. Res. 231. Resolution authorizing a study of the Federal judicial system (Rept. No. 1047);

S. Res. 232. Resolution to investigate juvenile delinquency in the United States (Rept. No. 1046);

S. Res. 233. Resolution authorizing a study of matters pertaining to constitutional rights (Rept. No. 1052);

S. Res. 234. Resolution authorizing a study of administrative practice and procedure in Government departments and agencies (Rept. No. 1051);

S. Res. 235. Resolution to investigate problems of certain foreign countries arising from flow of escapees and refugees from Communist tyranny (Rept. No. 1050);

S. Res. 236. Resolution to investigate the administration of the Trading With the Enemy Act (Rept. No. 1049);

S. Res. 237. Resolution to investigate matters pertaining to immigration and naturalization (Rept. No. 1053);

S. Res. 238. Resolution authorizing an investigation of the antitrust and monopoly laws of the United States (Rept. No. 1054);

S. Res. 239. Resolution authorizing a study of matters pertaining to constitutional amendments (Rept. No. 1055);

S. Res. 240. Resolution authorizing an investigation of the Patent Office (Rept. No. 1056);

S. Res. 241. Resolution authorizing a study of matters pertaining to the revision and codification of the statutes of the United States (Rept. No. 1057);

S. Res. 242. Resolution authorizing an investigation of the administration of the national security law and matters relating to espionage (Rept. No. 1058);

S. Res. 245. Resolution providing assistance to Members of the Senate in the discharge of their responsibilities in connection with visits to the United States by foreign dignitaries, and for other purposes (Rept. No. 1062);

S. Res. 246. Resolution to investigate the efficiency and economy of operations of all branches of the Government (Rept. No. 1061);

S. Res. 248. Resolution providing additional funds for the Committee on Government Operations (Rept. No. 1060);

S. Res. 250. Resolution authorizing a study of U.S. foreign policy by the Committee on Foreign Relations (Rept. No. 1059); and

S. Res. 261. Resolution authorizing the Committee on Armed Services to investigate certain matters relating to the common defense (Rept. No. 1063).

By Mr. HENNINGS, from the Committee on Rules and Administration, with an amendment:

S. Res. 249. Resolution to extend to March 31, 1960, time to file report by Select Committee on Improper Activities in the Labor or Management Field (Rept. No. 1072); and

S. Res. 252. Resolution to continue the Committee on Unemployment Problems until June 30, 1960 (Rept. No. 1071).

AUTHORIZATION FOR COMMITTEE ON RULES AND ADMINISTRATION TO INVESTIGATE CERTAIN MATTERS PERTAINING TO FEDERAL ELECTIONS

Mr. HENNINGS, from the Committee on Rules and Administration, reported an original resolution (S. Res. 263) authorizing the Committee on Rules and Administration to investigate certain matters pertaining to Federal elections, and submitted a report (No. 1073) there-

on; which resolution was placed on the calendar, as follows:

Resolved, That the Committee on Rules and Administration, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

- (1) the election of the President, Vice President, or Members of Congress;
- (2) corrupt practices;
- (3) contested elections;
- (4) credentials and qualifications;
- (5) Federal elections generally; and
- (6) Presidential succession.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1960, to January 31, 1961, inclusive, is authorized

(1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed \$160,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee.

PROGRESS REPORT OF JOINT COMMITTEE ON WASHINGTON METROPOLITAN PROBLEMS (S. REPT. NO. 1074)

Mr. BIBLE. Mr. President, from the Joint Committee on Washington Metropolitan Problems, which was created under authority of House Concurrent Resolution 172, 85th Congress, as amended by Senate Concurrent Resolution 2, 86th Congress, as amended, I submit the committee's progress report to Congress on the Further Study on Transportation and Other Metropolitan Problems. I ask unanimous consent that the report be printed.

This report is a unanimous one and summarizes an active and fruitful year of activity by the committee.

The VICE PRESIDENT. The report will be received and printed, as requested by the Senator from Nevada.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEATING (for himself and Mr. JAVITS):

S. 2934. A bill to increase the amount of goods in transit allowed for visitors to the United States; to the Committee on Finance.

(See the remarks of Mr. KEATING when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (for himself, Mr. MORSE, Mr. MURRAY, Mr. DOUGLAS, Mr. AIKEN, Mr. KUCHEL, Mr. HUMPHREY, Mr. MOSS, Mr. PROUTY, Mr. McNAMARA, Mr. NEUBERGER, Mr. MANSFIELD, Mr. ENGLE, Mr. HART, Mr. RANDOLPH, Mr. HARTKE, Mr. YARBOROUGH, Mr. MCCARTHY, Mr. CHURCH, Mr. MUSKIE, Mr. CASE of New Jersey, Mr. BARTLETT, Mr. COOPER, and Mr. WILLIAMS of New Jersey):

S. 2935. A bill to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, insure the protection of the public interest, and for other purposes; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. SYMINGTON:

S. 2936. A bill to provide for the computation of basic pay of Lt. Gen. Joseph F. Carroll, U.S. Air Force; to the Committee on Armed Services.

By Mr. BYRD of West Virginia (for himself and Mr. RANDOLPH):

S. 2937. A bill to permit the use, for civil defense purposes, of certain property in Kanawha County, W. Va., heretofore conveyed by the United States to the West Virginia Board of Health, for public health purposes, without payment of compensation to the United States; to the Committee on Labor and Public Welfare.

By Mr. MCCARTHY:

S. 2938. A bill to amend section 4456 of the Internal Revenue Code of 1954 with respect to the method of paying the tax on playing cards; to the Committee on Finance.

By Mr. WILEY:

S. 2939. A bill for the relief of Dr. Chien Chen Chi; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself, Mr. CHAVEZ, Mr. HAYDEN, Mr. JOHNSON of Texas, Mr. KEER, Mr. YARBOROUGH, and Mr. ALLOTT):

S.J. Res. 156. Joint resolution providing for a comprehensive program of research and experimentation for the purpose of investigating the growth of saltcedar and other phreatophytes, the hydrological and climatological factors influencing the use of water by such plants, and the various techniques for the eradication and control of such plants; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. ANDERSON when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION

Mr. JAVITS submitted a concurrent resolution (S. Con. Res. 84) expressing the indignation of Congress at the recent desecrations of houses of worship and other sacred sites, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. JAVITS, which appears under a separate heading.)

RESOLUTION

AUTHORIZATION FOR COMMITTEE ON RULES AND ADMINISTRATION TO INVESTIGATE CERTAIN MATTERS PERTAINING TO FEDERAL ELECTIONS

Mr. HENNINGS, from the Committee on Rules and Administration, reported

an original resolution (S. Res. 263) authorizing the Committee on Rules and Administration to investigate certain matters pertaining to Federal elections, and submitted a report (No. 1073) thereon; which resolution was placed on the calendar.

(See the above resolution printed in full when reported by Mr. HENNINGS, which appears under the heading "Reports of Committees.")

VISITOR'S TARIFF REGULATIONS FOR GOODS IN TRANSIT

Mr. KEATING. Mr. President on behalf of my distinguished colleague, the senior Senator from New York [Mr. JAVITS], and myself, I introduce, for appropriate reference, a bill to raise the limit on the amount of goods in transit allowed for persons visiting the United States.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2934) to increase the amount of goods in transit allowed for visitors to the United States, introduced by Mr. KEATING (for himself and Mr. JAVITS), was received, read twice by its title, and referred to the Committee on Finance.

Mr. KEATING. Mr. President, this bill would raise the limit on the amount of goods in transit allowed foreign visitors to the United States from \$200, as provided in existing law, to \$500. Let me explain what this would mean in actual practice.

As it now stands, a visitor to the United States can bring in duty free all wearing apparel and articles of personal adornment which he will need during his stay in this country. He can also bring in up to \$200 worth of other goods, which are generally classified in broad terms as "goods in transit." This can include household effects, such as paintings, rugs, or furniture, which, of course, cannot be classified as wearing apparel or as being for personal adornment. If the visitor is a man, his goods in transit might also include jewelry or perfume as gifts, which again would not be classified as either his wearing apparel or as being for his personal adornment while he is in this country.

Under present law, if these goods in transit do not exceed \$200 in value, a visitor to the United States need not worry. He can do with them what he chooses, and he can take them wherever he wants without any difficulty. However, if the value of his goods in transit exceeds \$200, he must have them bonded or have them shipped in bond. This frequently involves "redtape," delay, and confusion for both, for the visitor and for our own customs people at points of entry into the United States. It is for this reason that I feel the unrealistic \$200 limit on goods in transit should be raised.

Mr. President, this is not a large question. It is not a great issue. It is simply a means of making our newly arrived guests to the United States more comfortable and less confused on their arrival in this country. All of us know the feeling. Forms to fill out, papers to

produce and keep in our wallets, fine print to read and interpret throw fright into the hearts of even the bravest of men. "Redtape" is internationally known, and internationally troublesome.

The effect of this particular piece of legislation would fall for the most part on persons entering this country, and not on American citizens. Insofar as this bill would eliminate complications and confusion, it will also be of real help to customs officers, terminal personnel, travel agents, and hotel employees in every American city which is a point of entry into this country.

New York City, as the Nation's largest and greatest port, would, of course, be greatly benefited by this bill. I have been informed by Mr. Royal W. Ryan, executive vice president of the New York Convention and Visitors Bureau, Inc., that the \$200 regulation now in the law is "a source of considerable annoyance to foreign visitors entering this country through New York City."

There is another and special reason that New York City would stand to benefit from legislation along the lines of the bill which I have just introduced.

With the 1964 American World's Fair in New York just around the corner—and the year 1964 will be here quicker than many of us think—it is important that we begin now to take all possible and feasible steps to see to it that visitors to our Nation, and in particular to this great event in 1964, will have a smooth and trouble-free arrival in this country. I believe, Mr. President, this bill, if enacted into law, would be a step in that direction.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 1798(b)(3) of the Tariff Act of 1930, as amended (19 U.S.C., sec. 1201, par. 1798 (b)) is amended by striking out "\$200" and inserting in lieu thereof "\$500."

SEC. 2. The amendment made by this Act shall take effect on the thirtieth day following the date of the enactment of this Act.

PASSENGER TRAIN SERVICE ACT OF 1960

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system and insure the protection of the public interest with respect to railroad passenger train service.

Joining with me in the sponsorship of the bill are the senior Senator from Oregon [Mr. MORSE], the senior Senator from Montana [Mr. MURRAY], the Senator from Illinois [Mr. DOUGLAS], the senior Senator from Vermont [Mr. AIKEN], the senior Senator from California [Mr. KUCHEL], the senior Senator from Minnesota [Mr. HUMPHREY], the Senator from Utah [Mr. MOSS], the junior Senator from Vermont [Mr.

PROUTY], the senior Senator from Michigan [Mr. McNAMARA], the junior Senator from Oregon [Mr. NEUBERGER], the junior Senator from Montana [Mr. MANSFIELD], the junior Senator from California [Mr. ENGLE], the junior Senator from Michigan [Mr. HART], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Indiana [Mr. HARTKE], the Senator from Texas [Mr. YARBOROUGH], the Senator from Idaho [Mr. CHURCH], the Senator from Maine [Mr. MUSKIE], the senior Senator from New Jersey [Mr. CASE], the junior Senator from Minnesota [Mr. MCCARTHY], the Senator from Alaska [Mr. BARTLETT], the Senator from Kentucky [Mr. COOPER], and the junior Senator from New Jersey [Mr. WILLIAMS].

Mr. President, I ask unanimous consent that the bill may lie at the desk until the close of business on Wednesday next, so that additional Senators may cosponsor the bill if they so desire.

THE VICE PRESIDENT. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, the authority to discontinue passenger train service was the subject of extensive hearings at the 1st session of the 86th Congress, but the Committee on Interstate and Foreign Commerce did not have sufficient time in which to report a bill prior to the adjournment of that session. Prior to that, during the hearings which were held on the bill which became the Transportation Act of 1958, there had been some discussion of the operation and discontinuance of passenger trains. It was felt that time, because of the so-called financial plight of the railroads, that there should be a simpler procedure to enable railroads to discontinue certain legs of their passenger service if and when such operations were not economically feasible, and if and when the public interest was not damaged or seriously hampered. Since that time the subject of the regulation of passenger train service has been given much study by all concerned.

Some of us, including the distinguished Senator from New Jersey [Mr. CASE], have viewed with some alarm the fact that railroad management, in a few instances, has taken advantage of the simplified procedure, which it was intended that they should do, but their action has not always developed in quite the way we believe it ought to have worked. We feel that somewhat more extensive hearings should be held, and more testimony taken with respect to the proposed discontinuance of those legs of railroad passenger operation which basically affect the public.

The bill I have introduced, on which much time has been spent by all concerned in this matter, would require, if enacted, the railroads to secure affirmative authority from the Interstate Commerce Commission or an appropriate State agency before there could be a discontinuance of the operation of passenger trains. Prior to this time, under the act of 1958, what we lawyers like to call the burden of proof was the other way. Under the proposal in the bill, the Interstate Commerce Commission must affirmatively act. We have no objection, after proper hearings, and after the

Commission decides it is in the best interests of the public, the management, and everyone else concerned, to the granting of a petition for the discontinuance of the particular service. But the railroads first must secure affirmative authority from the Interstate Commerce Commission or an appropriate State agency before the operation of any passenger train service may be discontinued. The petition may be considered by either the Interstate Commerce Commission or a State agency.

The bill also requires the railroads to exert every reasonable effort to maintain safe and adequate passenger service for the public. In some cases—they may be very rare, but there are one or two which I know of—railroads have been denied the right to discontinue certain trains because to do so would not be in the public interest, as a matter of convenience and necessity, and then perhaps the service on those trains has not been quite what it should have been in some instances. The bill would charge the Commission with requiring the railroads to exert every reasonable effort to maintain safe and adequate passenger service for the public, whenever the railroads are required to provide such service.

The Commission would be charged with the responsibility of determining whether the railroads have fulfilled that requirement, and it would be empowered to issue such orders to the railroads as it might believe necessary to satisfy that requirement.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the *Record* for the benefit and convenience of all Senators.

THE VICE PRESIDENT. The bill will be received and appropriately referred; and without objection, the bill will be printed in the *Record*.

The bill (S. 2935) to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, insure the protection of the public interest, and for other purposes, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the *Record*, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Passenger Train Service Act of 1960."

DECLARATION OF FINDINGS, PURPOSES, AND POLICY

Sec. 2(a) The Congress finds that it is in the public convenience and necessity to foster and protect the continued development and growth of the railroads of the United States which are essential to a strong economy in time of peace and to the needs of national defense in time of national emergency; that the passenger operations of the railroads, no less than their freight operations, are vitally necessary to insure the military security of the United States in time of national emergency; that it is a recognized part of the railroads' public obligation and responsibility to provide reasonably frequent, safe, clean, and convenient passenger service; that, to accomplish the objective of securing an adequate and sound rail transportation system properly serving the public convenience and necessity, it is essential that the

railroads exercise all reasonable and proper means of retaining and securing sufficient passenger patronage to permit continued operation of their passenger services; and that in the proper discharge of these obligations and responsibilities to the public, the railroads should not be permitted to engage in activities which tend to eliminate or discourage patronage of their passenger service.

(a) It is hereby declared to be the policy of the United States and in the public interest to foster and protect the foregoing objectives by (1) imposing upon the Interstate Commerce Commission authority over the passenger train service of the railroads, and (2) requiring the railroads to exercise all reasonable efforts to preserve, continue, and improve their passenger train service, as provided for in this Act.

Sec. 3. Part I of the Interstate Commerce Act (49 U.S.C. 1) is amended by the deletion therefrom of section 13a.

Sec. 4. Section 1 of part I of the Interstate Commerce Act is amended by adding at the end thereof the following:

"(23) (a) No carrier subject to this part shall discontinue, in whole or in part, the operation or service of any passenger train or ferry, operating from a point in one State to a point in any other State or in the District of Columbia or from the District of Columbia to a point in any other State, unless and until such carrier shall first have applied for and obtained from the Commission, or from a State regulatory agency having jurisdiction, a certificate that the present or future public convenience and necessity permit of such discontinuance. Upon the receipt of protests to such applications, the Commission shall hold a public hearing on the application; and the Commission shall avail itself of the cooperation, services, records, and facilities of the authorities in such States in the performance of its functions hereunder.

"(b) Where the discontinuance, in whole or in part, by a carrier or carriers subject to this part of the operation or services of any passenger train or ferry operated wholly within the boundaries of a single State authority having jurisdiction thereof shall have denied an application or petition duly filed with it by said carrier or carriers for authority to discontinue, in whole or in part, the operation or service of any such passenger train or ferry, or shall not have acted finally on such application or petition within 120 days from the presentation thereof, such carrier or carriers may petition the Commission for a certificate authorizing the discontinuance. For the purposes of this subparagraph (b), the Commission may issue such certificate only after full hearing and upon findings by it that (1) the present or future public convenience and necessity permit such discontinuance, in whole or in part, of the operation or service of such passenger train or ferry, and (2) the continued operation of such passenger train or ferry without discontinuance, in whole or in part, will constitute an unjust and undue burden upon the interstate operations of such carrier or upon interstate commerce. The hearing provided for herein shall be held by the Commission in the State in which such passenger train or ferry is operated; and the Commission shall avail itself of the cooperation, service, records, and facilities of the authorities in such State in the performance of its functions hereunder.

"(c) When any application or petition is filed with the Commission pursuant to the provisions of this paragraph (23), the Commission shall notify immediately the Governor or Governors of the State or States in which the passenger train or ferry intended to be discontinued is operated, the Secretary of Defense, the Administrator of the Federal Civil Defense Administration, and the regulatory agencies in the State or States involved having jurisdiction over railroad operations: *Provided*, That in addition

to notice of the existence of the application or petition, the Commission shall notify those above listed of the time and place of the hearing provided for in this paragraph (23) at least 30 days in advance of the time set for said hearing.

"(d) In passing upon any proposed discontinuance under the provisions of this paragraph (23), the Commission shall consider, among other things, the effect of the discontinuance upon the military and civil defense needs of the Nation and the State or States involved, the carrier's discharge of its public responsibility and obligations to provide reasonably frequent, safe, clean, and convenient passenger train service, the value of the train or trains involved to the carrier's system revenues and expenses, and the carrier's revenues from all freight and passenger traffic in the State or States in which the carrier operates the train or ferry sought to be discontinued, as well as said carrier's expenses of operation in said State or States.

"(e) The Commission shall have the power to issue such certificate as prayed for, or refuse to issue it, or to issue it in part and deny it in part, and may attach to the issuance of the certificate such terms and conditions, including those for the protection of the interests of employees affected as a result thereof, as in its judgment the public convenience and necessity may require. From and after issuance of such certificate, and not before, the carrier by railroad may, without securing approval other than such certificate, comply with the terms and conditions contained in or attached to the issuance of such certificate and proceed with the discontinuance covered thereby. Any discontinuance contrary to the provisions of this paragraph (23) may be enjoined by any court of competent jurisdiction at the suit of the United States, the Commission, any commission or regulating body in the State or States affected, or any party in interest.

"(f) The Commission is authorized to call upon, for advice in any matter arising under the provisions of this paragraph (23) and paragraph (24), any agency of the United States Government, including those charged with the responsibility for the military security or civil defense of the Nation, and any such agency shall have the right to intervene as a party in interest in any proceeding arising under this Act.

"(g) As used in this paragraph (23) and paragraph (24):

"(1) The term 'passenger train' shall include one or more self-propelled units normally used to transport persons for hire, or a locomotive and one or more of the following cars used to transport persons for hire: dining cars, sleeping cars, lounge cars and coaches;

"(2) The term 'passenger train service' shall include all transportation services normally rendered by railroads by means of passenger trains and related facilities, including station and ticket facilities;

"(3) The term 'passenger traffic' shall include everything normally transported by passenger trains.

"(24) (a) It shall be the duty of every carrier by railroad to exert every reasonable effort to maintain sufficient passenger train service to meet the military and civil defense needs of the Nation in time of national emergency and to maintain and furnish safe and adequate passenger train service to the public, including, among other things, the observance of minimum standards of sanitation and comfort in all passenger facilities, maintenance of convenient schedules of operation, and the maintenance and use of passenger train equipment adequate to assure compliance with the objectives of this Act.

"(b) The provisions of subsections (1) and (2) of Section 13 of this Part shall apply

in the event a claim is made that a carrier has not discharged its duty under subparagraph (a) of this paragraph (24). Should the Commission find, in an investigation instituted after complaint or upon its own motion without complaint, that a carrier has not discharged its duty under subparagraph (a) it shall by appropriate order prescribe such practice thereafter to be observed by the carrier, in such manner as, in the judgment of the Commission, will result in the discharge of the carriers' duty under subparagraph (a). A carrier which refuses or neglects to comply with any order of the Commission made in pursuance of this subparagraph (b) shall be liable to a penalty of \$400 for each day during which such refusal or neglect continues, which shall accrue to the United States and be recoverable in a civil action brought by the United States.

"(c) (1) It shall be the duty of the Commission to see that the requirements of this paragraph (24), and the orders and practices made or prescribed hereunder are observed by every carrier. In order to carry out its duties under this paragraph (24) the Commission is authorized to inspect the manner in which the carriers serve the public in the conduct of their passenger train service, including inspection of the physical condition of the actual equipment used in the passenger trains with respect to passenger comfort and sanitation, the service rendered partons in stations, and all related matters.

"(c) (2) The persons employed by the Commission to assist in the carrying out of its duties under this paragraph shall file with it monthly inspection reports which shall cover a thirty-day inspection period, terminating not more than fourteen days prior to the filing of the report, and shall include the names of all carriers inspected, a description of the physical condition of each passenger train and related facility inspected with respect to passenger comfort and sanitation, the consideration of passenger convenience in the scheduling of the passenger trains, the inspector's recommendations to the Commission and any other information which the Commission may designate. The report shall be made on forms prepared and supplied by the Commission.

"(d) Nothing contained in this paragraph (24) shall supersede any laws of the several States except to the extent that this paragraph (24) prescribes requirements additional to those provided by State law."

Sec. 5. Nothing in any amendment made by this Act shall supersede, interfere with, or affect the procedures under, or rights, benefits or privileges created and protected by, the provisions of the Act entitled the Railway Labor Act, as amended.

Sec. 6. Section 16(8) of part I of the Interstate Commerce Act is amended by inserting therein after the word "provisions" the following: "of paragraph (23) of section 1 or".

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. CASE of New Jersey. I express my appreciation to the Senator from Washington for the initiative he has taken in this matter. As chairman of the Committee on Interstate and Foreign Commerce, he has followed the subject of railroad transportation and all other phases of transportation with the greatest interest and zeal. I join with the Senator from Washington and many other of our colleagues, including the distinguished junior Senator from New Jersey [Mr. WILLIAMS], in sponsoring the bill.

Mr. President, this matter is a measure with which the Senate must deal as an important piece of unfinished business.

Mr. MAGNUSON. Mr. President, in the Transportation Act of 1958, we were conscious of the so-called commuter problem which affects so greatly the States of New Jersey and New York. The Senator from New Jersey [Mr. CASE] and the Senators from New York [Mr. JAVITS and Mr. KEATING] have always had a vital interest in the maintenance of adequate commuter service. In that act we included language which we thought would enable such service to be continued by the railroads in the public interest and convenience. But we now believe the language was somewhat inadequate. The Senator from New Jersey [Mr. CASE] has expressed this point of view many times in the committee.

I think the bill is fair to the railroads and to the public. It would require a little more to be done than is now required before the operation of train service could be discontinued. Although in many cases the railroads may be losing money on the operation of certain trains, there is still the question of public convenience and necessity involved. I cannot see how there could be any complaint raised, because the railroads could petition the State agency for discontinuance of certain service, or could apply to the Interstate Commerce Commission, if they wished. Either agency could affirmatively act on the petition and say, in effect, "All right. The facts show that this run should be discontinued."

Under the 1958 act, the interpretation has been somewhat reversed. The burden of proof has been the other way. By this bill, I believe the public interest will be better served, particularly in connection with the serious commuter problem, a problem which will not get better, but will get worse, in most of the heavily populated centers.

I hope the committee may be able to hold some really worthwhile, adequate hearings on the bill. I am certain that all parties concerned can come to an agreement to help solve a problem which is becoming, as I have said, much more serious as the days go by. I cannot understand why anyone should object to the bill. It simply provides a fair procedure to be followed on a petition for the discontinuance of railroad passenger train service. Surely it would protect management in such cases, because if and when a train was certified by either a State or the Federal agency for discontinuance, the carrier would be on very solid ground.

I ask the Senator from New Jersey if he does not agree with that statement.

Mr. CASE of New Jersey. They would be, indeed.

Mr. MAGNUSON. There would be no other complaint. The railroad would be on solid ground. Now when a train is discontinued, sometimes the communities affected fight the action, and everybody criticizes the railroads. But once a public agency affirmatively permits the discontinuance of such an operation, the railroad will be on solid ground. It would be shown that on the ground of public interest it was entitled to discontinue the service.

Mr. CASE of New Jersey. Mr. President, will the Senator from Washington yield further?

Mr. MAGNUSON. I yield.

Mr. CASE of New Jersey. In regard to the same point, let me say that the public now has the feeling—and correctly so—that it does not have a chance to have its day in court. Our purpose in this case—it is the purpose of the chairman of the committee and of the other members of the committee, and it is my own purpose—is to insure that a day in court shall be provided.

Mr. MAGNUSON. Yes.

I wish to state that on February 16, I believe, there will be before the committee, for informal discussion, representatives of the associations and commuter groups involved. At that time there will be full opportunity to discuss the bill; everyone who is interested will be given fair treatment, and the commuter will have his day in court.

Mr. JAVITS. Mr. President, will the Senator from Washington yield to me?

Mr. MAGNUSON. I yield.

Mr. JAVITS. The Senator from Washington will remember that when he introduced his bill, I raised this question, because I saw what was going to occur. I regret that it has occurred; and I am hopeful that now that the Senator from New Jersey and the Senator from Washington are of a fairly common mind, we may obtain some results. But certainly the commuter problem will not be solved by means of this bill.

Mr. MAGNUSON. That is correct; it will not be.

Mr. JAVITS. However, it is a means of restoring some degree of equal opportunity for both sides.

Will the Senator state whether he has in mind the possibility of exploring what can be done about commuter rates, especially in light of what I consider to be the very interesting initiative taken in Philadelphia, by means of the so-called intercity plan, by which the Government helped the roads do a good job, and fares were reduced, so as to make rail traffic more attractive? Perhaps other avenues could be explored in that connection.

Mr. MAGNUSON. As a result of the interest and the activities of all these groups I think very probably some worthwhile suggestions will develop. We are told that these groups will make suggestions as to steps which they believe will be satisfactory.

Certainly this bill will not solve the problem. However, if the service is kept in the public interest, then it must be adequate.

So, although the bill itself will not solve the whole problem, at least it will help.

Of course, sometimes, unfortunately, the service is not worth too much.

Mr. JAVITS. I hope the Senator from Washington will, in the leadership's position he has, endeavor to direct the discussions and the hearing toward some more comprehensive result. It may very well be that such an authoritative committee should suggest a plan for great metropolitan centers, such as New York, to follow; and that might have a very

persuasive effect on what occurs in the local communities.

Mr. MAGNUSON. Furthermore, the Senate has directed our committee to make the so-called overall transportation study; and I assure the Senator from New York that the so-called commuter problem will be a very important part of that study and of the work we do before we conclude.

Mr. JAVITS. I thank the Senator.

Mr. MAGNUSON. The Senator from New York was somewhat of a prophet in regard to the 1958 act. However, we then confronted an emergency, and we had to do something about it. In its overall aspects, that act has worked fairly well.

Mr. JAVITS. I understand that it was a peripheral measure; but it turned out to be an awfully big bone in the throat of this whole problem.

I thank the Senator from Washington.

CONTROL AND ERADICATION OF CERTAIN PLANTS KNOWN AS PHREATOPHYTES

Mr. ANDERSON. Mr. President, on behalf of myself, my colleague, the senior Senator from New Mexico [Mr. CHAVEZ], the Senator from Arizona [Mr. HAYDEN], the senior Senator from Texas [Mr. JOHNSON], the Senator from Oklahoma [Mr. KERR], the junior Senator from Texas [Mr. YARBOROUGH], and the Senator from Colorado [Mr. ALLOTT], I introduce, for appropriate reference, a joint resolution, the objective of which is to provide a better means for the control and eradication of certain water-wasting trees and plants known as phreatophytes. The encroachment of such foliage along the water courses of the West has reached an astonishing level, causing an annual water loss in this generally arid region of an estimated 25 million acre-feet.

The joint resolution I am introducing would provide for comprehensive basic research into the botanical, hydrological, and climatological factors influencing the growth of these plants and their uptake of water, as well as for investigation and experimentation into chemical or other means for the economical control and eradication of the more troublesome of these plants.

Because of the widespread interest in this problem in the West, and due also to the fact that this type of plant is spreading rapidly into the more humid areas where it will be even more difficult to control, I ask unanimous consent that the joint resolution be printed in the RECORD at this point.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 156) providing for a comprehensive program of research and experimentation for the purpose of investigating the growth of saltcedar and other phreatophytes, the hydrological and climatological factors influencing the use of water by such plants, and the various techniques for the eradication and control of such

plants, introduced by Mr. ANDERSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Whereas because of the shortage of water in the 17 Western States the future economic growth of such States will be sharply limited unless every effort is made to preserve the available water supply for beneficial uses; and

Whereas studies by the Bureau of Reclamation, the United States Geological Survey, and other Government agencies have shown that consumption of water in such States by saltcedar and other phreatophytes amounts to many millions of acre-feet per annum; and

Whereas saltcedar is the most aggressive and notorious of undesirable phreatophytes; and

Whereas the various river basins in the Western States contain thousands of acres of saltcedar and provide many ideal conditions for study and research in connection with this problem; and

Whereas Congress has recognized its responsibility in the field of water supply and conservation by the enactment of Public Law 448 of the eighty-second Congress, to provide for research into and development of practical means for the economical production, from sea or other saline water of water suitable for agricultural, industrial, municipal and other beneficial consumptive uses, and by the adoption of Senate Resolution 48 in the 1st session of the eighty-sixth Congress, and by conducting hearings in all sections of the United States in connection with the country's water problems, and

Whereas the Department of the Interior is in favor of the Department of Agriculture carrying out a comprehensive research program with respect to the control and eradication of saltcedar and other phreatophytes; and

Whereas the Department of Agriculture has recommended that additional research is needed before an efficient and economical large scale eradication program is feasible: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture is authorized and directed to provide for a comprehensive program of research and experimentation for the purpose of investigating the growth and propagation of saltcedar (tamarisk) and other phreatophytes. Such program shall include studies of the hydrological and climatological factors influencing water use of such plants, and techniques for the control and eradication of such plants, and studies of the amount of water that can be recovered or preserved to beneficial use by the control and eradication of such plants.

(b) In conducting such program, the Secretary of Agriculture shall consult with and seek the cooperation of the Bureau of Reclamation, the U.S. Geological Survey, and State and local water authorities, and shall take such measures as may be necessary to insure that there will be no interference with regular stream flow, no contamination of water, and no damage to local farm crops.

(c) The program provided for in this joint resolution shall be carried out over a period of 5 years from the date of enactment of this joint resolution. The Secretary shall submit a report to the Congress upon the completion of the first year of operation of the program and at the end of each succeeding year of operation. Such reports shall indicate what progress has been made in the program and such other information as the Secretary deems appropriate. If at any time, in the opinion of the Secretary, an economical and

feasible process for the control and eradication of saltcedar and other phreatophytes is developed, he shall submit such process to the Congress as soon as practicable with his recommendation that a demonstration project be authorized.

(d) There is hereby authorized to be appropriated to carry out the program provided for in this joint resolution the sum of \$250,000 for each year such program is in effect.

Mr. ANDERSON. Mr. President, a shortage of water in many States of the West is hampering the full development of our natural resources, and the establishment of new industries in some of these areas.

I am glad to see that in the past 2 or 3 years there has been a widespread awakening as to our present and future water requirements. Hearings recently conducted throughout the country by the Senate Select Committee on National Water Resources were well attended and great interest was shown by business and civic organizations as well as the water agencies of the various States. I believe this is a good indication of the willingness of the American people to cooperate and contribute to the solving of such problems when they arise and are properly brought to their attention. As a result of the hearings a wealth of information was gathered that will enable the Congress to assist in planning for the future requirements of the country.

One thing that was evident at all of the hearings was the general agreement that we must seek every avenue available for salvaging and conserving water for beneficial purposes. I have long been interested in the protection and conservation of existing water supplies, and I have sought ways and means to provide new sources of water. The saline water legislation in which I was joined by a number of Senators in the 85th Congress was designed to deal with the salt and brackish water problem. The joint resolution that I am introducing today would deal with another phase of water salvage by initiating a program which we hope will enable us to discover an economical way to deal with the costly loss of good water to phreatophytes.

When we began to build dams in the West, many people thought they would provide about all of the water needed for beneficial use for a long time to come. However, as the population grew and as industry grew, demand on our water supplies expanded until we found that the water stored in our reservoirs was not always sufficient. Many times there was a crippling shortage. This situation, we found, was due in part to our failure to give proper attention to the care of our watersheds, to evaporation, and to waste.

The West is heavily dependent upon ground water in some areas and it is at groundwater that the phreatophyte strikes its heaviest blow. True, it chokes the water courses and causes mechanical losses in that way. But when it sends its roots 40, 60, and even 90 feet below the surface and literally dries up our wells, the loss is almost beyond belief. I am advised that these unusually thirsty plants growing densely acre upon acre in a river bottom, not only cause the surface flow to cease but can dry up the

sands below. That actually has happened in some stretches of the Pecos River in the State of New Mexico.

In an article in the Reclamation Era of November 1959, Mr. F. L. Timmons, Research Agronomist, Division of Research, Department of Agriculture, points out that the U.S. Geological Survey in 1957 estimated that undesirable phreatophytes covered 15 million acres of bottom lands in the 17 Western States and that they consume nearly 25 million acre-feet of water annually. A study by the U.S. Geological Survey on 9,300 acres of land along a 46-mile stretch of the Gila River flood plains in Arizona amounted to 28,000 acre-feet, an average of 3 acre-feet per acre of land over a 12-month period.

Studies by the Department of Agriculture and by the National Resources Planning Board concluded that the average annual consumption of ground water on the Pecos River Delta above McMillan Reservoir in New Mexico occupied by a dense growth of saltcedar, was about 5 acre-feet an acre during a given year.

These are only two examples but they show conclusively that these "water wasters" are consuming annually large amounts of water from our streambeds thus lowering the water table and permitting less water to enter the downstream reservoirs.

Tamarisk or saltcedar, as it is commonly known, is the most prevalent consumer. Tamarisk is reported to have come into the United States from east Asia or India in form of seed about the year 1875. Because of its fast growing qualities and its decorative aspects, it is thought that it was shipped to the Southwest for use as wind breaks. It was not long until the plants began to appear in some of the streambeds. At the time, little attention was given to these water wasters. Later, it was observed, they were beginning to clog streambeds, causing flooding in some areas, and were spreading into irrigation and drainage canals. The spread was rapid once it started. Today these plants are spreading faster than they can be controlled by presently known means. As our need for water grows, these parasites are wasting larger and larger quantities of water. Under the heading "Outlook for the Future" in the report "Tamarisk (Saltcedar), History—Studies—Control," the following is quoted:

Stream losses in the Southwest have been on the increase and are caused to a large extent by the widespread of high water consuming plants, tamarisk. If the continued spread of tamarisk is allowed, the river basins of the entire United States will undoubtedly become infested. This in turn will, in addition to increasing water losses, block river basins and impede river flows, causing increased floods and water losses. Eradication of tamarisk (saltcedar) as well as other phreatophytes, in bottom land areas, is a basic problem. Control as well as eradication, is a long range problem, and work to accomplish this means must be considered. Just how these phreatophytes are to be controlled constitutes a major problem, and one that should receive prompt attention of all levels of government.

A few projects have been carried out to determine whether or not removal of

saltcedar would actually increase the waterflow into reservoirs on streams. I am familiar with two of these projects conducted in New Mexico. One of them was the channelization and floodway clearing through dense phreatophyte growth on a 35-mile stretch of the Rio Grande above the Elephant Butte Reservoir at a cost of \$1,463,000. It is estimated that this salvaged 200,000 acre-feet of water from 1951 to 1956. The future annual salvage is estimated to be 45,000 acre-feet.

In another 40-mile reach of the river the annual salvage resulting from channelization is estimated at 40,000 acre-feet. Once these channels are cleared, keeping them open and free from regrowth is a continuing and expensive process, and a heavy burden on those who will reap the benefit of additional water unless we can develop some method or process whereby these plants can be killed out permanently. It should not be overlooked that cooperation between the Bureau of Reclamation and the Agriculture Research Service has reduced these costs considerably, but the costs are still too great to permit the undertaking of a large scale eradication and control program.

I have corresponded with the bureaus and my staff has conferred with the Bureau of Reclamation and the Agriculture Research Service and both agencies agree that a comprehensive research program is needed. Through such a program they may find an economical solution to this problem.

This is a problem that we must deal with sooner or later. The longer we put it off the more difficult and more costly it will be. I propose that we deal with it now before it becomes an economic impossibility. The joint resolution I have just introduced for myself and on behalf of several other Senators will get us started with the job.

EXPRESSION OF INDIGNATION OF CONGRESS AT DESECRATIONS OF HOUSES OF WORSHIP AND OTHER SACRED SITES

Mr. JAVITS. Mr. President, I rise this morning to join what I know will be a chorus of indignation throughout the country with respect to an outrage committed in Kansas City last night when, according to the Associated Press reports, a bomb exploded outside a synagogue which was recently smeared with a swastika.

Mr. President, this event indicates that those who thought these incidents were little pranks by young boys have come very far from the truth. Apparently fanatical bigoted elements will not hesitate to use violence in order to bring fear to a group of people of one religious faith, or to make common cause with those who are acting similarly in a number of places in the world.

Mr. President, I am sure the police authorities of Kansas City will do everything they can to find the culprits. I am sure that there will be a sense of outrage in that whole area and throughout the United States.

Mr. President, I believe that this matter is very important. I believe, too, that on the national level our leaders and our legislators must call attention to the completely un-American character of this kind of activity, to our indignation in respect of it, to the blot upon our national honor that it should happen here, and to our determination that it shall not happen and that we shall move heaven and earth to see that it shall not happen.

Mr. President, in that connection, I think all of us will wish to note the statement issued by the board of bishops of the National Catholic Welfare Conference which appears in today's newspapers, too, calling upon all people of good will of our country to turn their faces strongly against this kind of violence and bigotry.

Mr. President, I think it would be well for our Members if I read the basic paragraph from the text of the statement issued by the Most Reverend Karl J. Alter, archbishop of Cincinnati, and board chairman, on the subject:

The fact that a malevolent spirit of hatred has found expression not only in one country, but in various countries simultaneously, would seem to indicate an organized plan of action of some common origin. Whatever may be the source of the evil or the sinister purpose to be served, the danger should be immediately recognized and effective measures taken to eradicate the infection before it can spread.

Mr. President, I ask unanimous consent that this news article may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the news article was ordered to be printed in the RECORD, as follows:

CATHOLIC LEADERS URGE ALL UNITED STATES TO PROTEST INCIDENTS OF BIGOTRY

WASHINGTON, January 28.—The Roman Catholic hierarchy in the United States called upon Americans today to protest privately and publicly against further manifestations of racial and religious hatred.

In a statement on behalf of the Administrative Board of Bishops of the National Catholic Welfare Conference, the Most Reverend Karl J. Alter, archbishop of Cincinnati and board chairman, said that recent defilements of synagogues, churches, schools, and other buildings indicates that "religious and racial hatred are widespread."

The conference is the secretariat of the 217 U.S. bishops, archbishops, and cardinals. Sixteen of the prelates are on the board, including the six American cardinals. In addition to Archbishop Alter, the board members are:

Richard Cardinal Cushing, of Boston; Albert Cardinal Meyer, of Chicago; James Francis Cardinal McIntyre, of Los Angeles; Francis Cardinal Spellman, of New York; John Cardinal O'Hara, of Philadelphia; and Aloisius Cardinal Muench, who is serving in the Vatican.

Also, the Most Reverends Leo Binz, archbishop of Dubuque, Iowa; Joseph E. Ritter, archbishop of St. Louis; William O. Brady, archbishop of St. Paul; Patrick A. O'Boyle, archbishop of Washington; Albert R. Zuroweste, bishop of Belleville, Ill.; Lawrence J. Shehan, bishop of Bridgeport, Conn.; Allen J. Babcock, bishop of Grand Rapids, Mich.; Joseph M. Gilmore, bishop of Helena, Mont., and Joseph T. McGucken, bishop of Sacramento, Calif.

TEXT OF STATEMENT

The text of the statement issued by Archbishop Alter follows:

"The widespread eruption of religious and racial bigotry recorded in recent press dispatches has not only shocked the whole civilized world but calls insistently for a vigorous and public repudiation of the evil by all right-minded citizens. We deplore any revival of the anti-Semitic prejudice which in its earlier manifestation culminated in such terrible disaster. The fact that a malevolent spirit of hatred has found expression not only in one country, but in various countries simultaneously, would seem to indicate an organized plan of action of some common origin. Whatever may be the source of the evil or the sinister purpose to be served, the danger should be immediately recognized and effective measures taken to eradicate the infection before it can spread.

"The defilement of various synagogues, churches, schools, and other buildings with derogatory symbols has revealed the existence of racial hatred. It has not been confined to any one group. Various Catholic and other Christian churches have been desecrated as well as Jewish temples, indicating that religious and racial hatred are widespread and constitute a common motivation of the outrages.

"Speaking for the Administrative Board of Bishops of the National Catholic Welfare Conference, I wish to declare our sympathy with those who have suffered injury. On behalf of the bishops I express our detestation of any and every kind of hatred and bigotry, no matter what its source or against whom it may have been registered. We call on all citizens, whether Christians or Jews, and on all those who love truth and justice, to protest privately and publicly against further manifestation of bigotry in all its aspects and in whatever form it may be expressed. We urge that all right-minded people refrain from any word or deed which might seem to condone the circulation of rumors, false reports, or misrepresentation which embitters our mutual relations and retards the advancement of our common welfare."

Mr. JAVITS. Mr. President, I also call attention, in the same connection, to the text of a resolution adopted by the United Nations Subcommittee on Prevention of Discrimination and Protection of Minorities, which condemned anti-Semitism and other forms of racial hatred as violations of the Charter of the United Nations and the Universal Declaration of Human Rights. The resolution was proposed by Judge Philip Halpern, a judge of the appellate division of the Supreme Court of the State of New York, who is a member of the Commission.

I hail that resolution as putting the United Nations into the line of responsibility which it should carry, and I ask unanimous consent that the article to which I have referred be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**U.N. ADOPTS PLAN TO FIGHT ANTI-SEMITES—
WORLD GROUP TAKES ACTION FIRST TIME
(By Joseph Newman)**

UNITED NATIONS, N.Y., January 28.—For the first time in the age-long history of anti-Semitism, the problem of the persecution of Jews today became a subject of international concern and action through the world organization of the United Nations.

Hitherto, anti-Semitic acts were considered as it was in the case of Nazi Germany, an internal matter of the country concerned. Henceforth, if a resolution adopted is carried out, the offending countries will be held accountable to the United Nations and will be obligated to stamp out anti-Semitism.

The resolution, unanimously adopted by the U.N. Subcommittee on Prevention of Discrimination and Protection of Minorities, condemned anti-Semitism and other forms of racial hatred as violations of the Charter of the United Nations and the Universal Declaration of Human Rights.

It proposed that the 82 nations of the world organization "take all appropriate action to prevent and punish such acts, including the adoption of additional laws, if necessary, and the vigorous enforcement of existing laws."

It also proposed that the U.N. Secretary General undertake a world survey of recent anti-Semitic acts and measures taken by public authorities to prevent them and to punish the perpetrators. On the basis of this survey, the Subcommittee will decide at its next session whether further action will be necessary.

The Subcommittee is composed of 14 members from the United States, Britain, France, Russia, Austria, Chile, Finland, India, Lebanon, Philippines, Poland, Sudan, United Arab Republic, and Uruguay.

Judge Philip Halpern of the United States, who sponsored the resolution together with members from Britain, France, Austria, Uruguay, and Finland, said approval of the resolution was a "historic occasion."

Mr. JAVITS. Mr. President, I do not think it is enough that there be protests on the part of individuals, religious leaders, and others who feel outraged by what occurs in respect of these manifestations of religious hatred. I think the Congress, too, Mr. President, ought to express itself upon this subject.

Accordingly, I submit a concurrent resolution for that purpose, and I ask that it may remain upon the desk until the close of business on Tuesday for additional sponsors.

The VICE PRESIDENT. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be held at the desk, as requested by the Senator from New York.

The concurrent resolution (S. Con. Res. 84) expressing the indignation of Congress at the recent desecrations of houses of worship and other sacred sites, submitted by Mr. JAVITS, was received and referred to the Committee on Foreign Relations.

Mr. JAVITS. Mr. President, the text of the concurrent resolution is exactly the same as that reported by the House Committee on Foreign Affairs, based upon a bill by Representative O'HARA, of Illinois. It is now on the House Calendar as No. 177. I understand that clearance has been given to call it up in the House.

Mr. President, I hope very much that we shall similarly call up this concurrent resolution in the Senate.

I close, Mr. President, by reading the concurrent resolution. It is very brief.

Whereas in recent days there has been a wave of desecration of places of worship and other sacred sites; and

Whereas this desecration has been spreading throughout the nations of Europe and other parts of the world; and

Whereas instances of desecration have occurred in this country recently; and

Whereas, if left unchecked, this wave can only result in grievous moral deterioration and denial of the true spirit of the brotherhood of man; and

Whereas the conscience of the world has been shocked by these events: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby expresses its profound sense of indignation and shock at this epidemic of desecration and calls upon all persons and governments throughout the world to exert their energies to the end that these shameful events shall not recur.

FEDERAL AID FOR SCHOOL CONSTRUCTION—AMENDMENTS

Mr. COTTON submitted amendments, in the nature of a substitute, intended to be proposed by him to the bill (S. 8) to authorize an emergency 2-year program of Federal financial assistance in school construction to the States, which were ordered to lie on the table and be printed.

PRICE SUPPORTS FOR DAIRY PRODUCTS—ADDITIONAL COSPONSOR OF BILL

Under authority of the order of the Senate of January 27, 1960, the name of the Senator from Missouri [Mr. HENNING] was added as an additional cosponsor of the bill (S. 2917) to establish a price support level for milk and butterfat, introduced by Mr. PROXMIER (for himself, Mr. KENNEDY, Mr. HUMPHREY, Mr. MCCARTHY, Mr. SYMINGTON, Mr. YOUNG of North Dakota, Mr. MORSE, Mr. MUNDT, Mr. AIKEN, Mr. CARLSON, Mr. MAGNUSON, Mr. JACKSON, Mr. PROUTY, and Mr. WILEY) on January 27, 1960.

ISSUANCE OF GOLD MEDAL IN RECOGNITION OF SERVICES OF DR. THOMAS A. DOOLEY—ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Mr. BUSH. Mr. President, I ask unanimous consent that the name of the Senator from Idaho [Mr. CHURCH] be added as an additional cosponsor of the Senate Joint Resolution 148 to authorize the President of the United States to confer a medal on Dr. Thomas A. Dooley III, introduced by me on behalf of myself and other Senators on January 13, 1960. With the addition of this name, there are 45 sponsors of the joint resolution.

The VICE PRESIDENT. Without objection, it is so ordered.

FILLING OF TEMPORARY VACANCIES IN THE HOUSE OF REPRESENTATIVES—ADDITIONAL COSPONSORS OF AMENDMENT

Mr. KEATING. Mr. President, I ask unanimous consent that the names of the Senator from South Dakota [Mr. CASE], and the Senator from Maryland [Mr. BEALL] may be added as additional cosponsors of the amendment intended

to be proposed by me to the Senate Joint Resolution 39 to amend the Constitution to authorize Governors to fill temporary vacancies in the House of Representatives, which was submitted by me on yesterday.

The VICE PRESIDENT. Without objection, it is so ordered.

PROBLEMS OF THE AGING—EXTENSION OF TIME FOR FILING MINORITY VIEWS

Mr. HILL. Mr. President, at the last session of Congress the Senate passed Senate Resolution 65, providing for a standing committee of the Senate, the Senate Committee on Labor and Public Welfare, but more particularly a subcommittee thereof, to make a study of any and all matters pertaining to the problems of the aging.

That subcommittee was established by the Senate Committee on Labor and Public Welfare, and the Senator from Michigan [Mr. McNAMARA] was made chairman of the subcommittee.

Senate Resolution 65 contained section 3, which provided that the committee should report its findings, together with its recommendations for legislation, as it deemed advisable, to the Senate at the earliest practical date, but not later than January 31, 1960.

I have conferred with the distinguished minority leader [Mr. DIRKSEN] who is not only a distinguished member of the Senate Committee on Labor and Public Welfare, but who is also a member of the subcommittee set up under Senate Resolution 65.

I ask unanimous consent that the minority of that committee may have until February 15, 1960, to submit its views.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. DIRKSEN. Let me say to the distinguished chairman of the Committee on Labor and Public Welfare that this is done mainly at my request. We always like to have a look at the majority report before completing the minority views. The distinguished chairman was generous enough to accord 30 days' additional time. I have advised him today that I thought 15 days would be ample. That is the basis for the unanimous-consent request made today, and I express my deep appreciation and gratitude to him for this generosity on his part.

Mr. HILL. I express my appreciation to the distinguished Senator from Illinois for his very fine cooperation. He is always most cooperative, and I am deeply grateful to him.

EXTENSION OF TIME FOR SPECIAL COMMITTEE ON UNEMPLOYMENT PROBLEMS TO FILE REPORT

Mr. MCCARTHY. Mr. President, I ask unanimous consent that the time for the filing of the final report of the Special Committee on Unemployment Problems be extended from January 31,

1960, the date set in Senate Resolution 196, to March 30, 1960.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. CASE of New Jersey:

Statement by him in regard to informational, educational, and cultural shows on television.

DAVENPORTISM REINCARNATED

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may be permitted to speak for 6 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, it should be obvious to all Americans by now that the long-dead and unmourned force bills of Reconstruction have an irresistible fascination for someone in the Eisenhower Department of Justice.

For the second time in 3 years we have been treated to the sad spectacle of that Department's digging up the bleached bones of those unspeakable statutes of oppression as the model for a contemporary force bill.

In 1957, an Eisenhower Attorney General named Brownell proposed a bill which would have revived the Reconstruction statute authorizing the use of the full might of the Army, Navy, and Marine Corps to enforce punitive legislation in the field of human relations.

Now, in 1960, an Eisenhower Attorney General named Rogers has proposed a bill which not only takes another page out of the Reconstruction acts, but actually goes it one better.

The only differences between the act passed in 1871 to put State and local election machinery in the receivership of Federal election supervisors and the bill proposed in 1960 to put State and local election machinery in the receivership of Federal election referees are two:

First. The name has been changed from "supervisor" to "referee."

Second. The scope has been expanded to include State and local as well as Federal elections.

In other words, Mr. President, the scheme is the same; only the name and the scope have been changed.

Fortunately for the Nation, Mr. President, the duplicity in both instances has not long gone undetected.

It is also fortunate that we have a fully documented record of the scandals, frauds, and abuses which resulted from the application of the first Federal election machinery receivership statute. It is a record of skulduggery and tyranny so nauseous that it prompted a Democratic Congress to repeal the law in 1894.

The most interesting aspect of the application of that act, Mr. President, is that—while it was aimed at disenfranchising southern Democrats—its use

to perpetuate Republican machine control in New York was its undoing. An investigation in 1892 by a select committee of the House of Representatives found that the law had been used—and I quote from the committee report:

Only as part of the machinery of a party to compensate voters who are friendly to it, and to frighten from the polls the voters of the opposing party.

There was not a carpetbagger or scalawag in the South whose infamy even remotely approached that of John I. Davenport, chief supervisor of elections for the southern district of New York, under that act. Davenport personally collected \$145,591.68 from the Treasury of the United States during the Republican Harrison administration for seeing to it that Republican votes got into the ballot boxes of New York and that Democratic votes were kept out.

Mr. President, as any student of history will attest, the term "Davenportism" during the last decade of the 19th century was the worst term of disrepute which could be applied against a public official.

Mr. President, all Americans should make it a point to refresh their memories about "Davenportism" and to ask themselves whether they desire a reincarnation of it today. In order that they may do so, I ask unanimous consent to have printed herewith in the RECORD excerpts from House Report No. 2365 of the 2d session of the 52d Congress, dated January 27, 1893. It is entitled "Report of Select Committee of the House of Representatives To Inquire Into the Supervision and Administration of Election Laws by Officers of the United States, in the City, County, and State of New York."

There being no objection, the excerpts from the report (No. 2365, 52d Cong., 2d sess.) were ordered to be printed in the RECORD, as follows:

INVESTIGATION OF ELECTION LAWS—EXCERPTS
FROM REPORT TO ACCOMPANY H.R. 10344

The committee met for organization on September 8, 1892, in the city of New York, and from that time until including election day, November 8, 1892, the committee held 11 meetings in the city of New York, at which the evidence of 46 witnesses was taken.

The committee, under its authority to issue the mandate of the House to compel the attendance of witnesses, and the production of papers, given by the resolution, served the subpoena of the House upon all the officers of the United States having control of the administration and supervision of the U.S. election laws, in the city of New York, and upon the Secretary of the Treasury, for the production of the records on file in the Treasury Department relating to the matters into which the committee was directed to inquire.

The United States marshal for the southern district of New York, the U.S. district attorney for the southern district of New York, and such of their assistants and subordinates as were requested to do so, came promptly before the committee and gave, readily, such evidence as the committee required of them, and the Secretary of the Treasury sent by the hand of the chief of the division of judiciary accounts of the First Comptroller's office, in his Department, the records and documentary evidence required by the committee, and placed the same fully at the disposal of the committee.

The chief supervisor of elections for the southern district of New York, on being subpoenaed to appear before the committee, refused to appear and refused to allow the records and papers in his possession relating to the subject matter of the inquiry ordered by the House to be examined.

In a written communication, addressed to the chairman of the committee, the chief supervisor, although refusing to appear before the committee at the time when he had been subpoenaed by the Sergeant at Arms of the House to appear, that is, on October 14, suggested to the committee that he would be willing to appear and testify on November 16, after the election, then about to occur, was over. The desire of the committee being to inspect and study the working of the Federal election law while in actual operation before and on election day, and the communication being, in the opinion of the committee, an open and impudent defiance of the powers of the House of Representatives, no further attention was given to the witness.

The evidence taken before the committee and submitted with this report to the House relates entirely to the administration and supervision of the election laws by Federal officers within the city and county of New York.

It is assumed by the committee that the administration and results of such laws would nowhere appear more clearly or in a better light than in the city of New York.

It is believed that in the largest city in the country, where every class of our voting population is fully represented and where the respective parties have for years made their principal headquarters at important elections, and under the constant publicity given by the best organized and most effective newspaper press of the world, the actual workings of these laws and their good or evil results can be more clearly seen and appreciated and more intelligently judged than is possible anywhere else.

Your committee, after a very careful study of the operations of the Federal election laws before election and on election day in the city of New York, are of the opinion that all of these laws have entirely failed to produce any good results in the direction of the purity of elections or the protection of the ballot box, and have been productive of such serious and dangerous results that they ought at once to be repealed.

The reasons for our recommendation for the repeal of these laws, based on our study of their operation and results in New York, may be classed under four heads. They ought to be repealed—

First. Because they result in no conviction of offenders, and are therefore useless to prevent or punish crime.

Second. Because they cause great expense and are fruitful of constant and continuing frauds upon the Treasury.

Third. Because they are designed to be used and are used only as part of the machinery of a party to compensate voters who are friendly to it, and to frighten from the polls the voters of the opposing party.

Fourth. Because under and by virtue of these laws the gravest interference with the personal rights and liberty of citizens occur, and voters are punished by arrest and imprisonment for their political opinions.

In considering the first point above mentioned, it may be remarked in the first place that these laws are believed to have been, in the main, drafted and their enactment brought about by the present chief supervisor of elections in the southern district of New York. If anyone in the country was able to administer them in such a manner as to get good results from them the author of the system certainly ought to have been. Through most of the time during which he

has held his position the National Government has been fully in accord with him and willing to aid him with all its power and resources. He has drawn from the public purse vast sums of money for his compensation in the administration of these laws and for the employment of thousands of deputies and assistants. He holds his office by a tenure which makes him practically independent of any criticism or danger of removal. He not only holds this office of chief supervisor of elections, but he has also had himself appointed a U.S. commissioner, so that he can sit as an examining magistrate.

With the power of the Government behind him and with the money of the Government to use, he has managed for years a detective bureau, by means of which he has sought to get proof of the crimes which he has claimed existed in the city of New York. When in his first capacity, as a detective, he had obtained such proof as he wished to use, he then, in his second capacity, as a public prosecutor, issued the warrants for the arrest of the alleged criminals. Sometimes he gave these warrants to the U.S. marshal to be executed, and sometimes, in a third capacity, as a sheriff, he seems to have made the arrest of the accused parties through his own deputies. Then, in his fourth capacity, as a U.S. commissioner, sitting as a magistrate, he has heard his own charges against the prisoner which he presented to himself as judge by himself as prosecuting attorney, and has decided himself upon their guilt or innocence. In this way he has arrested many hundred persons at each election. This is not at all difficult under these laws. He has merely to decide on the names of the parties whom he desires to arrest or to keep from voting and issue his warrants for their arrest. But in order to have any of these persons indicted or convicted it is necessary for him to take his alleged evidence before the grand jury, and to try his case before a judge and jury in open court, and without the special advantages which up to this point the Federal election law has given him. He must then have a case. At this point he has invariably failed. With all this machinery in the hands of its inventor and the use of unlimited money the law has resulted in nothing so far as the conviction of offenders is concerned.

During the entire time covered by the examination of the committee there has not been one conviction for illegal voting in the southern district of New York in the U.S. courts, and under these laws.

Since the present district attorney came into office, a period of nearly 4 years, as a result of many thousand arrests, only three men have been indicted for false registration. One of these men was acquitted. The other two were found guilty, but the cases showed the offense to have been technical merely, and in one of these cases the judge suspended sentence upon the defendant, and in the other allowed the defendant to go without imprisonment on the payment of a fine.

Since 1889 half a dozen persons have been charged with interfering with the Federal supervisors, and in view of the conduct of these supervisors, as shown by the evidence and seen by the committee, it is in the opinion of this committee a great proof of the patience and forbearance of the voters in the city that there has been so little interference with them. But even in these cases nobody has been convicted even of a technical violation of the law since 1889.

It will be therefore seen, although the chief supervisor, the U.S. district attorney, and the U.S. marshal in the city of New York have been in full accord for a period of about 4 years, and have had the fullest support from a friendly administration, that no offender has by reason of their efforts under these laws served 1 hour in prison as the result of a conviction. It is

therefore clear that these laws do not result in the punishment of any crime, and they ought therefore to be repealed.

The second reason why, in the opinion of the committee, the law should be repealed, is that it causes immense expense, and is purposely so arranged that there is no supervision over the cost, no limit to the amount expended, and no proper responsibility for the payment of the bills.

It is impossible to report upon the exact cost of the system, for the reason that the Treasury Department is unable at this time to state it. The witness Ferrell, sent by the Department before the committee, estimated the expense for this year at \$1 million, but it is clear from his evidence that he had no accurate knowledge of the amount, which will doubtless be much more. When it is seen that the payments for the personal compensation of the chief supervisor in the southern district in New York for his services as supervisor and commissioner, entirely aside from the payment of his deputies and aside from the fees and disbursements, and the compensation of deputies of the U.S. marshal, have amounted during the present administration to a sum exceeding \$107,000, the abuses under these laws to which your committee desire to call attention will be plain. This amount will doubtless be increased by a further very large payment, the amount of which your committee is unable to ascertain, which has been demanded and is expected by the chief supervisor from the Treasury Department before the close of the present administration. In connection with these payments, attention is called to the fact that from March, 1885, till May 17, 1889, during which time a district attorney was in office who desired to examine these bills, the chief supervisor never presented a bill, preferring to go without the money sooner than submit to examination. As soon as the present district attorney came in the bills were presented and approved and promptly paid.

As to the manner in which these payments are made and the bills verified, the examination of the Treasury officials and of the local district attorney shows an additional reason for the repeal of the law. The Treasury Department takes the ground that the certificate of the judge to whom the accounts are presented, in the presence of the district attorney and after a presumed examination by him, is binding on the Department, and that the bills when certified by the judge must be paid. The U.S. district attorney, in his evidence before the committee, took precisely the opposite view. He testified as follows:

"Of course I did not examine Mr. Davenport because I understood in accordance with the practice that his work was sent to Washington to the auditing officers of the Treasury Department, and all the items charged for in the account are examined and checked in the Treasury Department before any payment is made."

The district attorney was further asked, "Did you make any personal examination as to how much these charges amounted to altogether?" He answered, "That is a matter of accounting for the officers of the Treasury Department." He also said, "There was no reason why the accounts should be submitted to investigation except such as the Treasury officers always make in all accounts that are presented in court and proved before the court."

In view of the amount paid to the chief supervisor of elections for the southern district of New York, under the present administration, which payment is believed, in New York, to be a public scandal, the evidence of the former assistant district attorney, Mr. Rose, as to the manner of the approval of these accounts in court is interesting. Mr. Rose testifies that no one was

present in the courtroom when one of these accounts, calling for the payment of \$31,030.21 for the chief supervisor's personal compensation, was presented, except the judge, the chief supervisor, and himself; that the supervisor presented his account; that the judge asked him what he knew about the accounts; that he said he knew nothing at all about them, and that he had not examined or approved them; that the judge thereupon signed the certificate approving the account, and that the whole matter was transacted in 5 or 6 minutes. The chief supervisor did not on that occasion, explain a single item of that long account; he called no witnesses, and yet such a "certification and hearing" is claimed by the Treasury Department, under these laws, to be binding upon the Department.

It is not deemed necessary to go over in this report the figures of these accounts in order to demonstrate the frauds which may be perpetrated under the present law. It is believed that the law officers of the Government ought to make them the basis of proceedings against the person who has received the money, and the committee will so recommend at the proper time. It is sufficient perhaps to call attention as an example and in connection with the evidence just alluded to, as to the manner of the certification of these bills, to the facts in regard to the special elections in 1891. In that year there were two elections for Members of Congress in the city of New York, one of them caused by the death of General Spinoia, who represented the 10th District, and the other by the resignation of the Honorable Roswell P. Flower, who had been nominated for Governor, and who represented the 12th District. In the 10th District the Honorable William Bourke Cockran was nominated, and in the 12th District the Honorable Joseph J. Little was nominated. The election of Messrs. Cockran and Little was absolutely certain. There was no possible reason or motive for any person to attempt to elect either of these gentlemen by fraudulent registration or illegal voting.

The chief supervisor, however, having solely in view his personal profit, proceeded to set in operation at this election in these two districts the Federal local machinery under his control, and 510 marshals and an equal number of supervisors were appointed. In his accounts as Commissioner, approved in the manner aforesaid, were included fees in 226 cases at this election, amounting to the sum of \$6,989.95. This amount has already been paid him, and is in addition to the pay of a small army of supervisors and U.S. marshals, the fees of the U.S. marshal, the extra bills for printing, and the cost of a special telegraph wire, which the chief supervisor claimed he was obliged to have put in in order to prevent the election of Messrs. Cockran and Little by fraud. Whether he has any further bills for supervising this election we do not know. Of course, of these 226 persons alleged to have been arrested, not one was ever indicted or tried for any offense.

A further analysis made by the committee, and shown the evidence of the U.S. marshal and of Messrs. Frank, Korb, Griffou, and Korzineck, shows that in only 61 cases of the 226 for which the chief supervisor of elections for the southern district of New York has been paid were any warrants given to the U.S. marshal for service, and that as to the remainder of the 226 persons named, only 7 of those named as defendants can be found or identified at all. The seven persons who could be found who were named as defendants had no knowledge of any proceedings having ever been brought against them, and had never been arrested. Full fees were thus paid in 165 cases, which seem from the proof to have had no existence outside of the bill of the chief supervisor, and

of which there is no record anywhere except in his accounts against the Government.

This account is only a sample account. In making the bills of the commissioner and chief supervisor for alleged cases of violation of the election laws, no addresses of the defendants are ever given, nor any information as to the polling place at which they are alleged to have been registered. No evidence that the violations of law ever took place or that the cases ever existed, except the statement of the chief supervisor of his fees in the case, is anywhere to be found. In one of these accounts there are 179 "cases" and in another 426 "cases" in which there is absolutely nothing but the name of an alleged defendant, who was never arrested, and whose address is not given. Under a system like this the chief supervisor's and commissioner's compensation is only limited by the number of names which he can take from the city directory or from his own imagination. These accounts are, however, certified to by the judge of the U.S. district court in the presence of the district attorney, and have been thereupon paid by the Treasury Department. It is submitted that in no other department of the Government and in none other of the Federal statutes do such absurdities exist, or is such fraud possible. Any law under which any Federal official can obtain, without evidence other than has been narrated above, such sums of money from the Government as have been paid and are about to be paid to the chief supervisor of elections for the southern district of New York, ought to be at once repealed.

The third reason why the law should be repealed is that, in the judgment of the committee, it is used mainly for partisan purposes. It is believed that this will be admitted to be true in the city of New York by every one who has any knowledge of the facts, and that an examination of the evidence taken before this committee will convince any impartial person that under these laws the power and the funds of the Government are freely used with the direct intention of affecting the result of elections.

It is not deemed necessary to enter into an extended argument to show that this should not be allowed.

The establishment for election purposes in the interest of one party of an army of political workers as large in number in the United States as the Regular Army of the United States, and the giving to them the badge and authority of the National Government, is an act of arbitrary power without a precedent in the history of our country. No political party temporarily in power ought to have any such advantage over its opponents, and the majority of this committee would be as unwilling to see any member of their own party in the city of New York clothed with the power now given to the chief supervisor and marshal as they are to allow the present incumbents to remain in the possession of these unfair advantages.

The law was designed for partisan advantage. It is perhaps fortunate that its execution in the city of New York has been mainly intrusted to one of a common class of political adventurers whose only real object has been to get money out of politics. In the hands of a man of ability who cared little for personal profit, but who was devoted simply and without scruple to the success of his party, it might have been the source of much more serious trouble. The powers which it confers should not under our system of Government be intrusted to anybody. In the interest of the people, whose right it is to act with any of the parties or in opposition to any of them, it ought to be repealed.

The fourth and final reason why these laws ought at once to be repealed is that under them great numbers of innocent persons have been and are at every election deprived

of their liberty and interfered with in the exercise of their undoubted right to vote. These facts are not to be disputed. They are known to all men in New York, and were brought to the personal knowledge of the committee and proven beyond question. The fact that all of the great number of citizens who were arrested during all these years were, with the exception of two, discharged as innocent after judicial investigation, is conclusive legal proof of the falsity of the charges. That most of them were discharged by the very magistrate who had caused their arrest shows the charges to have been not only false, but malicious.

Any system of laws under which, for any reason, citizens entitled to vote can be systematically arrested, held until their opportunity to vote is gone, and then discharged without redress, should have no place in the statutes of the United States. In this connection the members of the committee who sat in the Federal building as a subcommittee on election day, and had before them the supervisors and marshals who made the arrests and the prisoners who were arrested, desire particularly to call attention to the evidence given before them. The prisoners arrested, charged with false registration were, some of them, real-estate owners, one of whom, Mr. McKenna, had voted for 30 years at the polling district in which he offered to vote, and had been known as a businessman and houseowner to the marshal who arrested him for 12 years. These defendants included a private tutor, and a teacher, a court officer, a clerk in the register's office, and a rabbi of the Jewish faith. They were almost without exception persons of respectable appearance, who seemed to feel most keenly the arrest and the indignity put upon them, and they were all promptly discharged by the Federal magistrate who heard their cases, no proof being offered against them. Almost all of them were born in the city of New York.

With a few exceptions, the U.S. marshals and supervisors who made these arrests were in appearance most disreputable. Almost all of them were grossly ignorant, and in general they had been evidently recruited from the lowest mass of the population of a great city. Decidedly the best of them were the colored marshals, who were able to give their evidence in an intelligent manner. Undoubtedly, among the U.S. marshals and supervisors who were appointed at this election were very many respectable men, but those chosen to make these partisan arrests were of the lowest class of our population. It is a matter of regret to the members of the committee who were present on election day and heard the evidence in regard to these arrests that it is not possible to reproduce in description the contrast which existed between the persons who were hired to make these arrests and the citizens who were thus arrested, charged with offenses of which they were innocent, and thereby deprived of their right to vote.

Attention is also called in particular, in this connection, to the evidence of Messrs. Walker and Rose and Hotchkiss as to the excessive bail demanded of such defendants. In one case \$10,000 bail was demanded by the chief supervisor, acting as a magistrate, for the appearance of a clerk in the custom house, a man of excellent character, charged with false registration; and in a number of cases bail which the commissioner acknowledged to be known to him to be good was refused, until Judge Wallace denounced the refusal and the attempt to deprive the prisoners of their votes as an outrage. These laws, instead of constituting a system for the protection of the franchise in the hands of honest citizens, have been used, as is shown by the evidence, to furnish the machinery for the corruption and forcible robbery of the franchise, and they ought, if for that reason alone, to be promptly repealed.

The committee therefore presents to the House a bill providing for the repeal of these laws, with a favorable recommendation for its passage.

Mr. TALMADGE. That report, Mr. President, was signed by three highly respected Democrats—Representatives Ashbel P. Fitch, of New York; J. A. Geissenhainer, of New Jersey; and Robert E. DeForest, of Connecticut. We Democrats of today will do well to heed their conclusions.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

SILVER ANNIVERSARY OF HOOVER DAM

Mr. BIBLE. Mr. President, Hoover Dam, which is located in my State and known as one of America's seven modern civil engineering wonders, will be 25 years old this year.

Construction on this great multipurpose river control project began on February 1, 1935, and the first power was generated on September 1, 1936, heralding a new era in the vast development of my State and in the entire Pacific Southwest.

It is interesting to note that the last of the turbines and the generators is now being installed at the dam, and this will bring the hydropower plant to its full capacity of 1,344,800 kilowatts. This turbine is being installed for my State and will permit it to utilize more fully its share of project power.

Aside from its great value in the field of water and power, this monumental dam has had other extremely beneficial effects upon my native State. For example, it brought into being Boulder City, one of Nevada's thriving communities which only recently was released from Federal control and taken into the framework of Nevada municipalities as a self-governing unit.

Another productive aspect of Hoover Dam has been its great tourist lure, along with the Lake Mead National Recreation Area, which is under the supervision of the National Park Service. Last year more than 3 million people visited this area to enjoy its many attractions in the fields of fishing, boating, swimming, water skiing, and camping. In the last quarter of a century, an estimated 35½ million people have visited this area.

Mr. President, Hoover Dam is the culmination of the dreams and the actions of many men. Before it reached fruition there were many unsuccessful attempts in Congress to authorize its construction.

Passage of the Boulder Canyon Project Act in 1928 signaled the actual beginning of this giant undertaking.

As we salute Hoover Dam on its silver anniversary, Mr. President, I believe it only fitting to pay tribute to those men of vision who were not deterred until they saw that modern-day wonder completed.

FEDERAL REGULATION OF COMPETITIVE PRACTICES

Mr. MUNDT. Mr. President, Federal Trade Commissioner Sigurd Anderson, formerly the Governor of the State of South Dakota, delivered a penetrating speech on the subject "Federal Regulation of Competitive Practices" at the Willard Hotel here in Washington, D.C., before the American Marketing Association on December 28, 1959. I ask unanimous consent that this speech be printed in the body of the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

FEDERAL REGULATION OF COMPETITIVE PRACTICES

(Speech by Sigurd Anderson, Federal Trade Commissioner, before the American Marketing Association, Willard Hotel, Washington, D.C., December 28, 1959)

Chairman Cook, Dr. Johnson, fellow panelists and ladies and gentlemen of the American Marketing Association, it is a pleasure for me to come here today and represent the Federal Trade Commission. A representative of the Commission could well appear before the American Marketing Association who in a certain sense does as much to guide the destiny of future marketers as any group that I know of. The good that you do, as Dr. Cook has pointed out, is indeed something that will redound to the benefit of the public in the years ahead.

It is most appropriate that the American Marketing Association should take an inventory of marketing practices as we are about to enter the 1960's, a decade that may well be the marketer's dream. It is in that connection that I would like to discuss with you the important subject of "Federal Regulation of Competitive Practices."

Competition is one of the greatest driving forces in the American personality. In business, in politics, in athletics, in fact, in almost every phase of American life, you find that competition is a most necessary ingredient. The will to excel is most important to the American way of life. It must be borne in mind that competition is, and must be subject to rules of conduct. Unrestrained competition could and would result in injury to persons and to institutions. To properly guide competition, we have rules for football, for baseball, basketball, and golf and track and card playing, and most any kind of game that you could mention. This is to protect the game, to protect the competitors, and to protect the members of the watching public.

I come before you representatives of the Marketers of America to call to your attention that one of the most important things that goes into marketing is competition and that competition can be good or it can be bad and the future of the American economic community depends upon the nature of that competition. Governments on National, State, and local and, indeed, on international levels, have created "rules of the game" for those who buy and sell. Now I know that the idea of having rules for competitive practices is repugnant to many people because they like to think of the American way of life as a way of that is entirely untrammelled, that is, not hindered in any way by "blocks" to the free play of competitive forces. In the business world, competition must be fair

and clean and honest and legal and there can be vigorous competition even though that competition is fair, clean, vigorous, honest, and legal. There are many that believe that when one goes into the marketplace as a marketer he should be free to roll up his sleeves and to pull off his gloves and compete in any manner that he sees fit. That, ladies and gentlemen, is just not so in this year 1959.

I could perform no more useful service to the marketer than to point out that in this competitive American economy, the government, and particularly the Federal Government is very much interested in the modus operandi of the marketer who is engaged in interstate commerce. And I would point out to you that as teachers of marketing and those who guide the destiny of future marketers, you could well indeed caution your students that there are rules in the field of marketing that must not be overlooked, and that that isn't just money, and sales, and quantity, and quality that counts, but there is that very important moral quality, namely, high competitive standards. It can be said today that the Government is everybody's next-door neighbor. No marketer can ignore this caveat: never overlook any Government interest in how you run your business. This is not new as many people like to think; this is as old as the hills; the only thing is, there is more of it. And if people don't believe that, I call attention to the almost 150 volumes of the Federal Register that set out the rules and regulations under which business today has to operate. And I would like to say here that when laws multiply, they generally do so because of the fact that there are those in business who do not believe in observing the rules of good conduct. Public complaint about such conduct results in congressional action to protect the public.

The Federal Trade Commission is just one agency in the field of Federal regulation. The Department of Justice, the FDA—the Food and Drug Administration—and the Department of Agriculture, and many others are in the field of regulation. In fact, there are 225 Federal regulatory bodies. But just consider what the Federal Trade Commission has to do. We have jurisdiction under these acts: The Federal Trade Commission Act, the Clayton Act, as amended, the Webb-Pomerene Export Act, the McCarran-Ferguson Insurance Regulation Act, the Lanham Trademark Act, the Wool Products Labeling Act, the Flammable Fabrics Act, the Fur Products Labeling Act, and the Textile Fiber Products Identification Act. There, ladies and gentlemen, we have an enumeration of acts that the Federal Trade Commission administers, that cover almost every phase of human activity, verily from the womb to the tomb.

I would like to list some "red lights" for marketers.

1. First of all, as Dr. Cook has pointed out, in the field of advertising, a marketer must be honest. He does not have a right to falsely advertise his products; he does have the right to "puff" his wares; he may say that he thinks his products are excellent and that they may be the best, but he does not have a right to materially misrepresent his products. I would like to point out that in the Algoma Lumber Co. case, reported in 291 U.S. 67, the Supreme Court said that the public is entitled to get what it chooses, though the choice may be dictated by caprice or by fashion or perhaps by ignorance. In other words, it is a direction to say that if you advertise something, you had better advertise it fairly and honestly.

The Federal Trade Commission is now engaged in a great campaign against false and misleading advertising. During the last 2 months, the American public has been treated to an unfortunate spectacle that has

involved advertising to the point where many people say they no longer believe what advertising says and does. It is indeed unfortunate that an \$11 billion industry has to be put to the doubt such as is now taking place. I wish to reemphasize that marketers must be careful that their advertising is not false and is not misleading. There must be no preticketing and there must be no comparative pricing that are calculated to deceive; there must be no bait advertising. All of these are gimmicks to sell the public.

I would like to point out that the old rule of "caveat emptor"—let the buyer beware—has no legal or moral standing in the United States. Years ago, it was a battle of wits between the buyer and the seller. That is no longer the case, because the seller now has to have his product honestly and properly advertised and marketed.

You should strongly advise your young charges that when they set out to sell a product, they should not advertise it sensationally and falsely in order to gain public attention and then afterward get honest when they have acquired a market. That, I'm afraid, is done too often in these United States.

2. I would like to say also that price fixing is illegal per se. There is a temptation on the part of some marketers to say, "Let's get together and fix a decent price," or "Why beat our heads against each other?" or "Why send somebody to the wall because we compete?" or "Let's get together and set a price, one that we can all live with that will entitle us to the good things of life." And so they get together and fix prices, as they have done in the past and as they are decreasingly doing now because of regulatory measures by the Government.

3. Conspiratorial activities to fix prices, to allocate markets, and to limit production are all illegal per se. There are too many businessmen that haven't gotten the idea that there are crimes that get over into the field of business. There are too many that still believe that the only crimes are murder, rape, burglary, arson, holdups, and so on. There can be business crimes, too. It may be said that what may appear to a businessman to be a perfectly legitimate deal, may not be so. What looks like good business may be unlawful business.

4. I would like to point out that in certain cases a price discrimination may be a violation of section 2(a) of the Clayton Act, as amended. Generally, you cannot have a price to this customer that is discriminatory as to that customer. Differing prices to different customers are possible only under certain conditions. The provisos in section 2(a) and the defense in section 2(b) should be very carefully considered and weighed when a pricing program is planned. Section 2(a) is the best known and probably the most frequently violated section of the Clayton Act. It takes no considerable detail to tell the story of what a discriminatory price will do to a nonfavored competitor in an industry where the margin of profit is very small. A discriminatory price could, and often does mean bankruptcy.

5. It is also illegal to have brokerage arrangements whereby the buyers and sellers and certain brokers split or pass on fees. Section 2(c) of the Clayton Act, as amended, covers this point. At the present time the FTC has an interesting brokerage case before the Supreme Court. It is the *Broch* case, docket 6484. Therein, the Commission held that a seller's broker comes under the ban of 2(c), but the seventh circuit court held otherwise; hence our appeal.

6. It should also be pointed out that certain allowances cannot be given to some customers and not to others. Many times we may have a seller that says, "Sure, I'll give Customer A an allowance for doing advertising, etc., but I won't give it to Customer B," and Customer B says, "Well, that's a heck of

a note. That's bad for me competitionwise." If the allowance runs into thousands of dollars, you're right, it is bad for Customer B, so he complains about it. He comes to the Federal Trade Commission, and what can we do? Our hands are tied. We have sworn to uphold the law, so we may investigate the complaint and may ultimately bring a suit against the seller and as a result, he gets a lot of publicity that he doesn't like and maybe an order to cease and desist.

A very recent case on discriminatory allowances is *Federal Trade Commission v. Simplicity Pattern Co., Inc.*, cited as 360 U.S. 55. In this case, decided by a unanimous court, holding for the Commission, the court said:

"We hold, therefore, that neither 'cost-justification' nor an absence of competitive injury may constitute 'justification' of a prima facie section 2(e) violation. The judgment of the court of appeals must accordingly be reversed insofar as it set aside and remanded the Commission's order and affirmed as to the remainder."

7. Attention should also be called to section 2(f) of the Clayton Act, as amended. Where the buyer solicits a favored price, discriminatory as to other competing customers and the negotiating buyer knows it is a favored price, the buyer may be in violation of section 2(f) and the seller may be violating section 2(a). Negotiated deals may have some built-in traps for businessmen.

A classic section 2(f) case is *Automatic Canteen Co. of America v. F.T.C.*, 346 U.S. 61. It's not easy for a seller to say, "No," to a large-volume buyer who knowingly solicits a discriminatory price. For a seller to say "No" under such circumstances sometimes calls for battlefield bravery.

8. It is possible to go down the line with more caveats, but time forbids anything more than mentioning such important matters as exclusive dealing arrangements that violate section 3 of the Clayton Act, as amended; or illegal mergers that are proscribed by section 7 of the Clayton Act, as amended. The rash of mergers the last 10 years have been productive of much activity in the antimerger field by both the FTC and the Department of Justice. Parties to a merger should carefully consider their action. Divestiture can be a painful course where full integration has been effected. Marketers should carefully weigh interlocking directorate situations, selling below cost where the intent may be to injure a competitor or refuse to deal with or sell to certain types of customers.

The "red lights" or danger signals above referred to should not be lightly regarded by the marketer, because violators thereof may get into trouble with the Federal Government, resulting in an order to cease and desist or a court decree. The above list is a long list, but I want to point out that the list of defendants and respondents in antitrust and trade regulation cases is long, too. There is nothing like knowing what the answer is, and one conclusion that may be drawn from my remarks here this morning, is this: That it is well to know what the business laws are. I'm not putting in a plug for lawyers, but I do believe, ladies and gentlemen, that lawyers have not become unnecessary in our complex society. I have learned that many companies today are putting in house counsel departments to guide them, not only for their board meetings but to guide them in their daily operations, and not just retain lawyers when they get sued. It pays to know.

Today's marketer should deal with the Federal Government not on the basis of a vulture sitting on the back of his chair, but as somebody with whom he is in a kind of a partnership. I want to say that 99 percent of all marketers are honest and decent, but there are too many that are not; many of them because of the fact that they have not learned the legal facts of business life. And

so here then this morning, I want to say as a representative of the Federal Trade Commission it is a pleasure to come here to make an appeal to you that you as guides and as mentors and as teachers, as the ones who are going to develop the marketers of the future, that this is a wonderful opportunity for you to teach them that in the business and economic community, competition has to be kept free and fair and honest and decent. Any other competition is out of place. Any institution teaching and developing business leaders for tomorrow could well teach antitrust and trade regulation courses with great profit.

The FTC stands ready, willing, and able to assist the marketers, the members of the American Marketing Association, and the public generally with the problems of business competition. The Commission prefers to advise and prevent lawsuits rather than to try lawsuits. But we are ready to do both. The Commission is dedicated to a cleaner and better competitive climate in the business community. But we don't want to perform the task alone. We demand that the marketers of America perform their rightful duties.

We invite the members of the American Marketing Association to become better acquainted with the Federal Trade Commission. The American Marketing Association and the Federal Trade Commission have much in common.

AMERICA'S DEFENSES

Mr. DIRKSEN. Mr. President, as recorded on page 1372 of the RECORD for January 27, the distinguished Senator from Missouri [Mr. SYMINGTON] stated as follows:

Mr. President, the American people are being enticed down the trail of insecurity by the issuance of misinformation about our deterrent power; and specifically about the missile gap.

The intelligence books have been juggled so the budget books may be balanced.

This is a serious accusation, which I make with all gravity.

Mr. President, as I take thought of the unending comment in this security field, I think of an old Missourian in the Civil War days who was passionately devoted to the candidacy of John C. Fremont. This old citizen of Missouri was quoted by the Chicago Times of that day in a comment which he made about Abraham Lincoln, the Commander in Chief. In that comment he said that Abraham Lincoln's head was "too light for the weight of his feet." Then he made a comment on conducting the war, and he said that running the war reminded him a good deal of the manner of a man who was climbing trees to catch woodpeckers. Some friend said, "You will never catch any woodpeckers that way." "Well," he said, "maybe not, but if I don't catch 'em I'll worry 'em like hell."

I apologize for the term, but it is an exact quote and I got it from the writings of Carl Sandburg.

It seems to me that in this security field all the comments which are being made are nibbling comments on the sniping side, and disparaging, it seems to me, of the defense effort of this administration.

Mr. President, I think the President of the United States put it in pretty good context in the speech he made

from California on the closed TV circuit, when he said:

The tendency to disparage the unmatched power and prestige of our country has become an obsession with a few noisy extremists. Time and again we hear spurious assertions that America's defenses are weak, that her economic expansive force can be sustained only by Federal spending; that her education and health efforts are deficient. In this kind of preachment, political morticians are exhibiting a breast-beating pessimism in the American system.

When I think of all the comments by persons who seem to think they are better able to do this job in the defense field than is the President of the United States, I think of the Committee on the Conduct of the War which was established away back in the Civil War days. I make no exceptions. I have in mind Republicans as well as Democrats. On that committee there was a man named Benjamin Wade, from Ohio. He started out as a canal driver and as a mule skinner. Then he became a teacher, as I recall, and then a lawyer. That qualified him to conduct a war. He marched down to the White House, shook his finger at Lincoln, and said, "You have to fire General McClellan." Lincoln said, "Well, whom shall I use to replace him?" And Wade said, "Anybody." Lincoln, out of his majestic concepts, said, "I cannot fight a war with anybody; I must have somebody."

Away back in those days we had a little of the same attitude which is now apparent.

There was another member of that committee. He was a great citizen. He was at one time a candidate for the Presidency. He came from Michigan. He was a Republican. His name was Zack Chandler, which is a revered name in Michigan. He was a dry goods merchant, and he became a millionaire selling dry goods. That qualified him to conduct a war and to become an expert in that field.

Zack Chandler went to Bull Run. When he saw what happened there, he rushed to the White House and said, "Mr. President, you have to get another half million troops right away." He had great ideas, as a dry goods merchant, about running the war and about what the verities and realities were.

There was still another man. He was from my own State. He was a Republican, too. His name was Lyman Trumbull. Once he was a Democrat. He was born in South Carolina but changed his politics when he went to Illinois. I suppose, instead of a Northern Carpet-bagger we would have to call him a Southern Carpetbagger, since he came from the South to the North. He was a very distinguished citizen and a very distinguished Senator. He was a very humane man. He was a teacher. He became a lawyer. He became a judge. And he became a Senator. Genial as he was and humane as he was, do Senators know what Lyman Trumbull said about Lincoln as Commander in Chief? It was this:

He is too slow, unmethodical, lacking in executive ability and resolution, and not prompt in action.

And he made this extraordinary statement:

In ordinary times Lincoln would have made one of the best Presidents, but he lacks confidence in himself and the will necessary in this emergency.

Mankind will have forgotten Ben Wade, Lyman Trumbull, and Zack Chandler for a million years, but Lincoln, the Commander in Chief, with his steady hand, will not be forgotten.

Perhaps the Senate should create a Committee on the Conduct of Something or Other. Perhaps we should call it the committee on the conduct of the cold and/or hot war. We might call it the "and/or" committee.

Perhaps we should put all the candidates on the committee. All of them have become experts in this field. We might even put on the committee a very distinguished former artillery captain from Missouri, who once served as Commander in Chief.

I treat this subject in this fashion because I still have confidence in the Commander in Chief of this country, whose whole life, virtually, has been dedicated to the business of furthering national security. Then to have it said that the American people are being enticed down the trail of insecurity by the issuance of misinformation about deterrent power is an awful thing. It is a reflection upon the President of the United States, who, while others knew nothing much about military matters, was the grand captain of the greatest military effort mankind has ever put forth.

I should be an expert in this field. I once served as a private in the Army. Then I rose to the exalted position of private first class. I shall never forget when I got that little chevron.

Then I became a corporal, and after a while I became a sergeant. When I became a sergeant I was walking on thin air, with all the exaltation that goes with it. I had all the answers in the book.

But that was as nothing compared to the time when I became a "shavetail" or second lieutenant. I once got a look inside the doors of a staff school. After that I felt that I could tell off the Commander in Chief. I knew how to run World War I, and just what to do to bring about the liquidation of the Kaiser.

We have many candidates today. They have been lieutenants, artillery captains, Navy commanders, and many other things. But when I put everything in proper focus, I find that the man in the White House was not selected by General Marshall and the President of the United States to conduct the world's greatest military show without their knowing that he had the capacity to direct a great security enterprise for the defense of the country.

I am distressed by the statement which was put into the RECORD by the distinguished Senator from Missouri.

Mr. President, I yield the floor.

OFFICIALS WHO SHOULD SKIP PARTISAN GATHERINGS

Mr. FULBRIGHT. Mr. President, in this morning's New York Times, Mr.

Arthur Krock, one of the most discriminating observers of public affairs in this country, draws attention to a picture of this administration which characterizes its attitude toward its responsibilities to the Nation. In view of the 40-odd billions of dollars of defense contracts to be let to our big businessmen by the officials of the Department of Defense, it is not surprising that in one evening the Republican Party should be able to collect \$7 million for the next campaign. In due course, of course, many more millions of dollars are to be expected. This is just the initial down-payment to get the ball rolling, so to speak.

In view of this callous disregard of even the most elementary proprieties, it is not surprising that throughout our society we find disregard of the standards of conduct which formerly we believed to be characteristic of our people. Beginning with the TV quiz show scandals of last year, scarcely a day passes that we do not read about such things as short weights in the grocery stores in the New York area, fuel oil cheating in Brooklyn, the corruption in the city council of New York City, or the conspiracy to defraud among the Chicago police. The picture is not a reassuring one.

Mr. President, I ask unanimous consent to have Mr. Krock's article printed in the CONGRESSIONAL RECORD, as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 29, 1960]

OFFICIALS WHO SHOULD SKIP PARTISAN GATHERINGS

(By Arthur Krock)

WASHINGTON, January 28.—Senator HUMPHREY, of Minnesota, made a complaint today against the participation of high Defense Department officials in Republican political activities in this presidential election year. He said this involvement was "unethical and beneath the dignity of the administration." He could have added that the appearance of such officials at party gatherings, including campaign fundraising dinners, is calculated to give a partisan color to the department responsible for military security.

Obviously the reaction to this in the Democratic Congress could further roll the atmosphere in which the administration's defense program is being examined by the legislative branch of the Government. This already has evoked much controversy over goals and the methods of attaining them. Since most of the critics are Democrats, among them citizens who clearly aspire to the Presidency, Republicans are hinting that partisan considerations are responsible for the violence of some of the criticism. But the Republicans would have small foundation for a hope that the people could be persuaded of this as a dominant motive if the Department of Defense seems to the public to be deep in Republican electoral politics. And the principal victim would be national security.

ITEMS OF COMPLAINT

Senator HUMPHREY cited, as grounds for his complaint, the drafting of the following as speakers at Republican fund-raising dinners with Ike last night: Deputy Secretary of Defense James H. Douglas, in Kansas; Army Secretary Brucker, in North Carolina; Assistant Secretary Short, and Air Force Secretary Sharp in Texas; and Defense Sec-

retary Gates in Oregon. (The latter's speech was read for him only because his plane was grounded by weather.) The list fully establishes the point made by the Senator.

The same situation arose in 1948. But in that year President Truman, at the instance of Defense Secretary Forrestal, put a ban on the participation of officials of Forrestal's department in partisan political gatherings. This restriction followed an announcement by Senator Hatch, the chairman of the Democratic Speakers Bureau, that, except for Secretary of State Marshall and Under Secretary Lovett, all members of the President's Cabinet circle would take the stump for Mr. Truman in his campaign for election.

In this space at the time the following comment was made on Hatch's announcement: "This would mean that Forrestal is expected to be among the campaigners; that, though Marshall and Lovett were excused because of the nonpartisan character of their work, this does not apply to the Secretary of Defense. How any such difference could be found between the department which conducts our foreign policy and the department which must supply the power on which that policy rests requires an answer that only partisan politicians could give." That applies equally today to Senator HUMPHREY's admonition.

FORRESTAL AND KENNEDY INTERVENE

In 1948 W. John Kenney, as Under Secretary of the Navy, was in charge of the Navy's legislative relations. Congress had a Republican majority, and Kenney was carrying out Forrestal's instruction that Chairmen Andrews and Gurney of the House and Senate Military Committees, respectively, should be kept fully informed on departmental activities. When they and other Republicans in Congress expressed resentment of Hatch's announcement, Kenney reported and endorsed this feeling to Forrestal, who endorsed it to President Truman, and the Democratic campaign committees which were the source of the plan were told by the President to find their campaign speakers elsewhere. In the campaign of 1952 when Kenney was deputy director of the Mutual Security Administration, the same question arose, and the President took the same position.

This wise and proper policy calls for reassertion by President Eisenhower to the Republican National Committee and the other party groups which apply the pressure to Defense Department officials—to make speeches at partisan gatherings, including campaign fund-raising dinners. These officials would be very happy if this pressure were removed from them, as it long has been from the Department of State. The President could do that with a word, and end the reluctant, improper, and dangerous participation of the Defense Department in partisan politics.

WHAT'S A JUVENILE DELINQUENT?

Mr. HENNINGS. Mr. President, it is axiomatic to say that the term "juvenile delinquency" covers a wide range of offenses committed by young people. Two boys—one picked up for armed robbery and the other brought into court for skipping school—might both be adjudged juvenile delinquents by the court. Their crimes, however, are hardly similar.

For strictly legal definition, this lumping together of all young offenders into the same category might be all right. But what we must ever bear in mind is that the term "juvenile delinquent" covers individual children and young people in many categories who have in-

dividual problems. Unless we recognize and treat the individual child through rehabilitation programs suited to his needs, we may actually do him more harm than good.

Wholesale prescriptions and pat arguments on handling juvenile delinquents will not do, as was very well stated in a recent editorial appearing in the Toledo (Ohio) Blade.

Mr. President, I ask unanimous consent that this editorial, entitled "What's a Delinquent?" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Toledo (Ohio) Blade, Sept. 23, 1959]

WHAT'S A DELINQUENT?

The violent juvenile gangs which infest big American cities (and those of many other countries as well) are to be the subject of a nationwide series of hearings by a Senate committee.

Appropriately, the committee will begin its inquiry in New York where the involvement of gangs in four killings in one hot August week this summer attracted national attention and stirred both the city and State of New York to new action against juvenile delinquency—where, just a day after the inquiry was announced, eight trenchcoated gang members shot down a 17-year-old on the steps of a Bronx high school.

In narrowing its current investigation specifically to gang activity, the Senate subcommittee, which has been studying juvenile delinquency since 1955, underlines something that is usually forgotten in the heated debate between the "treat 'em rough" advocates and the proponents of the so-called "soft" social worker school of thought.

This is that the term "delinquency" is as broad a term as "crime" itself as applied to adults. The delinquents involved—and there are about a million and a half youngsters who come to police attention in any year—run the gamut from veritable tots who have annoyed the neighbors with pranks to young men who are considered by the police to be already hardened criminals.

It is the failure to draw such distinctions which usually makes public discussion of the juvenile delinquency problem so confusing—and pointless. For example, former President Harry Truman, out for a morning constitutional in New York recently, seemed to give a small-town Missouri solution to a most complex urban problem—there would be less delinquency if there were fewer baby sitters and more application by parents of the "peach tree switch and mother's slipper." On the other hand, a priest, a former New York police chaplain, tells the mourners at a slain teenager's funeral that a law should be passed permitting the jailing of all gang members—they should be caged as wild animals are caged.

Mother's slipper might straighten out quite a few of the sort of children who in Mr. Truman's boyhood were called wayward youths. Caging may be the only solution for some of the twisted and sadistic members of big city rat packs who today beat, torture, maim, and kill one another and innocent bystanders. Between the two extremes there are literally hundreds of thousands of boys and girls who need the kind of help, guidance, and punishment at the hands of their parents and of society which is appropriate to their individual personalities and to the social conditions which have contributed to shaping their characters.

The difference in the children and young people concerned dictates the difference in corrective action. As an instance, the work

camps, patterned on the old CCC, that Gov. Nelson Rockefeller has proposed as one way of handling delinquents have been successful in a number of States—for a certain kind of boy.

The boys admitted to them have been very carefully selected. Virtually all such camps have barred youngsters with serious personality defects, with bad records for arson, running away, or creating disturbances in an institution. "On the whole," one report states, "the camps have been found most suitable for healthy extroverts who do not get along well in either academic or vocational training programs at institutions, but who give evidence of latent good character."

When it comes to detention by the State of juvenile delinquents, there is need for as much or more flexibility as in the type of confinement for adult criminals, which ranges from honor farms to maximum security prisons. A report of the Pennsylvania training school system in 1955 recommended no less than seven separate types of institutions for rehabilitating delinquents depending on their ages and mental condition.

If in talking of juvenile delinquency, then, we could remember that the term covers individual children and young people in many categories, and the whole range of juvenile misbehavior and actual crime, there would be less time wasted in pat argument over coddling versus hard-boiled punishment, fewer wholesale prescriptions like mother's slipper and cage them.

That would be an excellent beginning, so far as public discussion is concerned, in moving toward, not one, but the many solutions required for the different problems of different youngsters.

TRIBUTE TO GREECE AND THE GREEK LANGUAGE

Mr. SALTONSTALL. Mr. President, this Nation's culture—indeed all western culture—owes much to the people of ancient Greece. Our Founding Fathers were learned in the culture and writings of that great nation. Today, with the pressures of modern living, however, many of our schools have dropped the teaching of Greek.

Modern Greece—our close friend—has been a leader in the fight against communism. Our people have the opportunity to learn anew the value of the spirit which made both ancient and modern Greece great. The language, philosophy, and culture of Greece are expressed most beautifully in the Greek language, and it is fitting to recognize this.

His Eminence Archbishop Iakovos has suggested that we all pay tribute to the Greek language during Greek Letters Week, January 24 through January 31, which I am proud to do.

Mr. President, I also take pride in the fact that Tufts University is carrying out the spirit of this development in deed as well as word in this regard. I ask unanimous consent that an editorial from the Hellenic Chronicle of Boston, dated January 21, 1960, be printed in the RECORD as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TUFTS MOVES AHEAD

This week Tufts University launched the second stage of a noble experiment begun last fall with its first class in modern Greek literature. Now the organization of a unique committee for the promotion of Greek studies has been accomplished.

This unique campus-community committee is comprised of Tufts faculty members and individuals representing various segments of the Greek community working together for the mutual advancement of Greek letters. There are few places in the world that such wide democracy of purpose would prevail, and that the common goal of all concerned is dedicated toward closing the gap between the cultures of ancient and modern Greece is progress of vast worth.

The world's peoples have long acknowledged that, intellectually speaking, we are all Greek, deriving this status from the fountains of ancient Hellenic wisdom. However, since the revolution in 1821, and even before, the flow of Greek poetry and prose has not ceased, and that this wealth of literature, through translations, is now finding its way into the mainstream of American life is the good fortune of this generation.

The courses at Tufts, Ambassador Liatis' coming address on February 10 and the formation of the committee last Tuesday are promising signs for the cause of modern Greek letters in New England and America.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Is there further morning business?

Mr. EASTLAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

FILLING OF TEMPORARY VACANCIES IN THE HOUSE OF REPRESENTATIVES

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Without objection, it is so ordered.

Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 39) to amend the Constitution to authorize Governors to fill temporary vacancies in the House of Representatives.

THE UNITED STATES SHOULD COME OUT SQUARELY IN SUPPORT OF DE GAULLE IN THE ALGERIAN CRISIS

Mr. GRUENING. Mr. President, the events taking place in Algeria are of concern to every lover of peace. They carry with them implications which might prove disastrous to the hope that most of mankind shares—that progress can be achieved through peaceful means, through the rule of reason rather than through violence, turmoil, and bloodshed.

What is taking place in Algiers is of particular concern to Americans, not merely because our Nation is dedicated to the effort to secure peace on earth, but because it so deeply involves not only world destiny in general but in particular the destiny of our long-time traditional friend and ally, France.

I think it is well for Americans, when we think of France and her grave prob-

lems, to be ever mindful of the strong bonds that have tied the French people to the American people from the days of our yearning for independence nearly two centuries ago and for the freedom which we established not merely for ourselves, but through which we gave a shining and happy example to many other peoples. We Americans should never forget that but for France's assistance, that great destiny of ours might not have been achieved—at least, not at that time. All Americans are familiar with the names of Lafayette and Rochambeau, but far fewer know that they were only the two most outstanding figures in the great support which France gave to our struggling, revolutionary cause. Relatively few Americans know of the part played in helping our war for independence of such names as D'Estaing, DeGrasse, Lapèrouse and many others. But for the assistance of the French fleet, the great victory at Yorktown would probably not have been achieved.

I do not propose, at this time, to enter into an historical discussion of the relatively little known extent of French assistance to the cause of American independence. It is a subject that deserves and needs reexploration and reaffirmation. But we should recall, also, that in World War I, France held the fort in the cause of freedom while unprepared America was able, in comfortable security, to prepare to enter the conflict. And let us also recall that again, in World War II, France was once more the sacrificial victim against an even far more ruthless and brutal domination than had been threatened in World War I. Thus, three times has the blood of Frenchmen and of Americans been shed in a common cause. Of no other nation is that true in its relation to us. And, I would add, that in these turbulent times, in this period of global revolution, we should not lose sight of the fact that France is the one large nation on the continent of Europe which has never succumbed to the totalitarianisms of either the right or the left. Neither fascism nor communism has ever risen to power in France, while one or the other of these totalitarianisms overwhelmed some of France's neighbor nations. Indeed, it may truthfully be affirmed that France has borne aloft the torch of civilization and freedom in continental Western Europe.

Indeed, the Statue of Liberty, which the French Republic gave to the American Republic, and which stands in New York Harbor—undoubtedly the best known statue of modern times—is equally a symbol of France, the donor, as well as of the United States, the recipient.

And that brings us back to the present serious situation, where that greatest of contemporary leaders, Gen. Charles de Gaulle, is the central figure in epoch-making events. Let it be clear that he has achieved all his powers by evolutionary and democratic means. These powers were conferred upon him by a vote of the French people, freely asked and freely given. The issue on which he is now standing firm is basic—it is the issue of peace with justice. It is the issue of self-determination. When this great statesman enunciated his policy toward

Algeria a few months ago, he offered the Algerian people a free choice of the type of political status they wanted—a status to be determined by the votes of all Algerians, those of French descent and Christian faith and those who were Moslems, as well as any and all other of Algeria's citizens. Indeed, he had already established their suffrage, including that of women—in itself a radical, courageous, and farseeing act, unprecedented in that part of the world.

President de Gaulle offered the people of Algeria all three possible choices—complete independence, integration with France, or a dominion status whereby Algerians would set up their own government, run it completely as they wished, but with association in a French family of nations, very much like the association of nations in the British Commonwealth. He proposed that this choice be made not later than 4 years after peace had been established, and he defined peace specifically as a period in which not more than 200 persons would lose their lives, either in ambushes or in isolated attacks. The intervening period he would devote to the strengthening of peace and to the upbuilding of the Algerian economy, into which France is pouring over 200 billion francs a year, and in preparing the people for their choice of status at the polls.

The issue which France presents to the world today is whether that issue so familiar to Americans, so deeply ingrained in our American traditions and principles, the issue proclaimed in our Declaration of Independence, that governments derive their just powers from the consent of the governed shall prevail. Or whether a minority of people of property, of French origin, with the collusion of some dissident military, shall thwart these high objectives and precipitate a bloody carnage in which the noble and gallant strivings of President de Gaulle would go for naught.

This minority, which, having had the advantages of education, of economic and social opportunity, ought to know better, and should, rather, adopt for its guidance that peculiarly French ancient maxim of "noblesse oblige" will, if it resorts to armed resistance, be substituting bullets for ballots. If they do so, they will be committing treason, not only to their own country, France, which, paradoxically, they insist should arbitrarily and uncompromisingly maintain itself in Algeria regardless of the ultimate popular verdict, but they will likewise be betraying the very civilization which they seem to assume they exclusively represent. Were they to succeed, they would in all certainty defeat the very objectives which they claim they seek. For the only possible alternative to General de Gaulle's three-pronged proposal is continued and increasing violence and civil strife, steady deterioration of conditions in Algeria and its ultimate complete independence with probable liquidation of the European minority.

On the other hand, let us view De Gaulle's democratic solution in the light of what is happening and likely to happen on the African Continent.

Elsewhere in Africa, new nations are being born. They are being born with startling and unprecedented rapidity. France has liberated Tunisia, where conditions were quite different from those in Algeria. Since then, Ghana, Guinea, Somalia, the Sudan, the Congo and others are among those which have either just been liberated or are about to be and to achieve nationalism. Naturally, since it may be said that Americans started the movement for independence from Old World colonialism nearly two centuries ago, we are bound to view these ventures into freedom sympathetically. But we need not delude ourselves that many of these newly spawned nations—in fact, nearly all of them—are not tragically lacking in experience and self-government, and that their prospects of successful emancipation are, in most cases, far, far from bright. Over these infant nations will hang, as threateningly as the sword of Damocles, the specters of chaos or dictatorship, or alternations of anarchy and absolutism or—and this should concern us most of all—Communist penetration and domination.

Algeria can have a different prospect. It may, if its people choose, preserve the civilization which France has brought there and which offers the hope not merely of political self-determination, but of economic self-sufficiency and cultural self-expression, without which even a theoretically and practically desirable political status would be and is a mockery and a delusion.

Algeria, under the statesmanlike program which President de Gaulle has offered, and for which he stands unflinchingly, offers the hope that at least a part of the African continent may share in the inheritance of nearly two millennia of civilization which France brought to the Dark Continent over a century ago. De Gaulle's program and purpose may well point the way not merely for Algeria, but for other African little developed and little experienced peoples. It is tragic that a minority of his own blood and faith, who have secured the blessings and benefits of the civilization which France brought to Africa, are seeking to upset a program that alone offers a prospect for a just and happy solution.

The situation is one that requires the sympathetic understanding of the whole free world, and particularly of our own Government, which, I regret to say, has not, in recent years, shown as much comprehension as it might have of how much was at stake in supporting President de Gaulle's farseeing, courageous, and enlightened policies.

The timid and tepid neutrality which the United States has shown in the United Nations on the Algerian question is scarcely in accord with America's best traditions and our own enlightened self-interest. If we mean what we say about peace with justice and through law, and are true to our faith in the basic American principle of government by consent of the governed, the United States should make its support of France and of General de Gaulle's Algerian policy crystal clear.

Mr. President, in support of my deep conviction that the U.S. policy toward

France has been tragically inept and mistaken, I refer to an editorial in the current issue of *Life* magazine entitled "Our Hopes Are With De Gaulle."

Now it is scarcely to be disputed that the *Luce* publications, of which *Life* is one, are strongly Republican. Therefore, when they indulge in caustic criticism of administration policies, their editorial opinions should be accorded special attention and consideration.

I shall now read *Life's* editorial, which, as I have said, is entitled "Our Hopes Are With De Gaulle," and comment briefly on it:

President de Gaulle's greatest problem, Algeria, the same one which brought him to power, is precipitating a new crisis in France. Set in motion by increased rebel terrorism, it was brought to a head—as was the coup d'état which brought down the Fourth Republic—by Gen. Jacques Massu, the paratroop commander of the Algiers area who is the hero of the archreactionary ultras of the white French colons. Like him, they despise De Gaulle's program for self-determination in Algeria. Not only did Massu make thinly veiled threats of resistance to De Gaulle but he had the unforgivable audacity (in French eyes) of making them via a German newspaper. De Gaulle has answered Massu's insubordination in the only way it could be answered if his government is to command rather than take orders from the army; he recalled him to Paris, then stripped him of his command. This decision led to civilian riots in Algiers and has had to be reinforced by the declaration of a state of siege.

President de Gaulle believes, we hope rightly, that a majority of Frenchmen favor his generous and enlightened proposal for Algeria, one which would allow the 9 million non-European Algerians (once a cease-fire is established) to vote themselves complete independence or self-government within the French community or complete integration with France—whichever they wish. The generosity of his plan has brought such universal approval that a U.N. resolution backing the Algerian rebels was defeated in December, though the United States itself (to De Gaulle's disgust) abstained. In our view, Secretary of State Herter's decision to make that abstention, as a cheap play for Afro-Asian approval, was clumsy, pharisaical, and wrong. Since the United States had already warmly welcomed De Gaulle's program, he was entitled to its full and unreserved support.

Certainly such moral support should now be given him by all Americans, officially and unofficially, as he takes his case to the nation this week to face down the extremists of Algeria, who seek to be the tail that wags the whole dog of France.

Their opposite numbers, the Algerian rebel leaders, have so far refused to meet De Gaulle half way. But they have just reorganized their national committee to give it a cast of greater reasonableness. Their recent stepup of terrorism may be to test whether De Gaulle can really control the Army. Perhaps Massu's ouster will give them more confidence in meeting the cease-fire conditions which would make the general referendum in Algeria possible. Meanwhile, as De Gaulle summons the enormous force of his prestige and powers to solve the Algerian crisis before it destroys France, all thoughtful Americans will offer him their blessings and their prayers. While there is little tangible we can do, at the very least, in the old Dutch phrase, we can "help him hope."

Mr. President, I could not agree more completely with the condemnation by *Life* magazine that the U.S. policy toward France in the Algerian crisis was, in

Life's words, "a cheap play for Afro-Asian approval" and that it was "clumsy, pharisaical and wrong."

Mr. President, this is no time for neutrality. One of the great free nations of the world is in the gravest danger. Much of the fate of freedom in the free world hangs on the fate of France.

This is no time for neutrality and abstention. Ever since the days of Pontius Pilate, the archneutralist and arch-abstainer of all time, the world has condemned such neutralism and abstention when great values were at stake.

Mr. President, France did not abstain when our infant Nation was struggling in its birth pangs.

France did not abstain when military autocracy launched an assault on the free world in 1915. It did not hesitate to take the lead in the war to which our great President, Woodrow Wilson, later summoned our own full national strength "to make the world safe for democracy."

France did not abstain when Hitler's hordes were bent on subverting the free world to a loathsome totalitarianism, a struggle in which the United States again later joined when we were attacked without warning.

Mr. President, I repeat, this is no time for neutrality. Nothing could be more helpful to the causes of freedom and democracy which our country officially espouses than for it to give De Gaulle's program, in the words of Life magazine, our "full and unreserved support."

The Eisenhower administration could perform no more useful service than for a clear and forthright expression to this effect by the President himself.

Mr. JAVITS. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I yield.

Mr. JAVITS. Mr. President, I should like to make a comment on the speech the Senator from Alaska has made. I believe his speech is most interesting and timely.

Certainly the situation in Algeria is so grave and so tense that I agree with the Senator from Alaska that it is time for the United States to adopt an official policy in that connection; I certainly believe that is called for.

I also agree that the De Gaulle policy for Algeria seems the most promising for bringing about the pacification of that country. Likewise, I agree that President de Gaulle needs the kind of fortification which he can obtain from America by having the support of our Government.

However, I should like to point out that the position which should be taken by the United States in connection with the stand of France in regard to NATO is not to be confused with the position the United States should take in connection with the stand of France in regard to the existing crisis in Algeria. I certainly agree that it is possible for a country to act wisely and with great statesmanship and dignity in respect to one issue—in the present instance, Algeria. I also believe that the Senator from Alaska is correct when he stresses the fact that President de Gaulle, of France, needs the assistance of the United States now, because he has proposed the most promising avenue for a solution of a problem, which is an extremely grave one.

On the other hand, one must also bear in mind that a nation can act unwisely; and sometimes it is said that a man's greatest strength is his greatest weakness.

The stubbornness of President de Gaulle with respect to Algeria certainly deserves our support.

On the other hand, the stubbornness of President de Gaulle with respect to NATO has bedeviled NATO and has weakened its position in the world.

So we must make a distinction between President de Gaulle's policy toward NATO—with respect to which I believe the Eisenhower administration has had to take De Gaulle to task, or else see NATO fall apart, as a result of having not only France, but other nations, including some of the smaller ones, remove their forces from the NATO military groups—and the stubbornness of President de Gaulle in respect to the situation in Algeria.

With that distinction clearly made, I believe the point the Senator from Alaska has made is entirely valid and is entitled to widespread support.

Mr. GRUENING. I thank the Senator from New York.

Mr. MANSFIELD. Mr. President, I wish to say that I, too, was disturbed by the fact that last year in the United Nations, when the question of Algeria came up, the United States abstained from voting. I felt then, on a purely personal basis, that the United States should have voted along with France, because of the great progress which had been made by President de Gaulle in respect to the free choice he gave the Algerians. I believe that choice went far beyond what anyone had a right to expect a French head of state to offer to Algeria.

But factors which perhaps we did not understand may have been responsible for the action of the United States in abstaining from participating in that particular vote.

However, I point out that insofar as our relationships with France are concerned, they have been close—perhaps closer than those which have existed between the United States and any other country in the world.

For example, I recall that at the Battle of Yorktown, more French soldiers than American soldiers were in the Continental Army. I recall that on that occasion the French fleet, under the leadership of Admiral de Grasse, was of critical importance in its support of the Continental Army. I recall that at that time the French treasury was pouring out its money in behalf of the American Revolutionaries.

All of us recall that from 1945, until the advent of De Gaulle, France was headed by a succession of premiers and by a succession of governments; I think the number was 24 or 25, until General de Gaulle came along.

To me, the difficult situation which confronts President de Gaulle at the present time, although purely an internal French affair, is, nevertheless, one which could have wide repercussions insofar as the future of the Fifth French Republic is concerned and also insofar as the future of the North Atlantic Treaty Alliance is concerned.

Therefore, Mr. President, on the basis of what the distinguished Senator from Alaska has said, I believe that we certainly do have a real interest in what is developing in that situation, as it affects Algerian-French relationships.

It is my hope—in accord with what the Senator from Alaska has said—that all of us, regardless of our particular political views, will give to General de Gaulle, in the hour of crisis which faces him, and to the fifth Republic, all the sympathy, consideration, and understanding that we possibly can.

As the civilian head of the French Government in Algeria said on yesterday, there is no other De Gaulle in the wings. And as I view the situation, France, and perhaps the Western Alliance also, depends on the future of President de Gaulle in this crucial hour. I am certainly hopeful that he will live up to the expectations of many persons throughout the world, and that this matter can be settled, with President de Gaulle in control of the French Government, on a stable and sound footing.

Mr. GRUENING. I thank the distinguished assistant majority leader [Mr. MANSFIELD] for his very helpful contribution.

I am glad he referred—as I did earlier in my remarks—to the great help the French people gave our country at the time of its birth. Should that help and friendship be forgotten, now that France is struggling for her life? I say no, especially when France, under the leadership of President de Gaulle, is taking so noble a stand in her Algerian policy.

On the other hand, a militant minority of people who are selfish and who have no outlook, no vision, no understanding of the fact that they are living in the second half of the 20th century, and that the old days are passing, have launched a bloody revolution in an attempt to upset the fine progress France has made. If that revolution is successful, its leaders will only be sealing their own doom. If France falls into chaos, they, themselves, will be liquidated by a rising majority of Moslems, and the whole world will suffer.

I believe this is a time for the United States to take a firm stand for all the world to see. I believe this is an occasion and opportunity for President Eisenhower, who recently has taken a trip to that area of the world, to demonstrate the U.S. position by an action that will speak more loudly than gestures of good will. Certainly this is a time of crisis where to act is imperative. Such action now is far more important than to receive the plaudits of flower-strewn parades.

Now is the time for us to speak out, and no longer to continue a timid, vacillating attitude which could only lead to defeat.

Mr. President, if the present Government of France falls, the result can be nothing but chaos for the free world.

VOTING REFEREE PLAN

Mr. KEATING. Mr. President, there is a tendency for almost all legislative

proposals dealing with civil rights to become ensnared in parliamentary maneuvers. That statement would perhaps be considered an understatement. There is a reluctance on the part of those who oppose such measures to permit them to follow their normal course of hearings, reports, debates, and votes. The hearings become harangues, the reports are never quite finalized, the debates are always under the cloud of a possible filibuster, and the idea of a final vote on the matter is anathema to its antagonists.

The administration's proposal for U.S. voting referees is in danger of becoming the latest example of this persistent pattern. In my opinion, this proposal should have the immediate consideration of the Committee on Rules and Administration. That committee now has under study the Federal registrar bills. The relationship between the two proposals is undeniable. Nothing would be more illogical or inefficient than to separate the two subjects for purposes of committee consideration. It is, therefore, my hope that no step will be taken, either wittingly or unwittingly, which will result in the reference of any proposal for voting referees to the Committee on the Judiciary.

The U.S. voting referee plan has been very well received. It has a number of distinct advantages over the Federal registrar plan. It applies not only to registration but to voting; not only to Federal but to State elections. On the other hand, the Federal registrar plan enjoys the merit of all administrative procedures—speed.

I know of no reason for considering these plans mutually exclusive. I am inclined to believe that both an administrative and judicial remedy may be needed to do the whole job. It is my plan to present in the Rules Committee hearings a bill which will combine the best features of both proposals.

This approach should forestall any difficulty about committee jurisdiction. Certainly, if the registrar bill is properly before the Senate Committee on Rules and Administration, then a single registrar-referee bill, or indeed the referee proposal in and of itself, would properly be considered by that committee. No matter what technical or procedural objections may be interposed, that committee cannot avoid considering the referee plan. I have urged the Attorney General to appear before the committee for the purpose of outlining the very interesting and constructive proposals which he has advanced and discussing them with the committee.

Mr. President, I ask unanimous consent that editorials from the New York Times and the Washington Post on this subject be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 28, 1960]
NEW MOVE ON CIVIL RIGHTS

In proposing a major strengthening of the Civil Rights Act of 1957, President Eisenhower's administration has taken the curse off the almost casual approach to this sub-

ject he showed in his state of the Union message early this month.

For the bill suggested by Attorney General William P. Rogers, Tuesday, would carry the strength and authority of the Federal courts one step further in making it possible for Negroes to vote in those parts of the South where they are now effectively denied the ballot. The Attorney General's plan goes beyond that offered last September by the Civil Rights Commission, which proposed Federal registrars in areas where registration was being improperly denied. The new plan would follow up a successful suit under the existing Civil Rights Act by court appointment of referees to see to it that qualified voters were actually permitted to vote, on pain of contempt proceedings against recalcitrant officials.

The Rogers plan appears on its face to be an improvement, in the direction of effectiveness and simplicity on the Commission's proposals. No doubt it too can be improved; but it represents an important advance in administration thinking that goes beyond President Eisenhower's frequent expressions of good will and on into concrete, specific, practical proposals for extending the franchise. The Rogers bill would apply not only to voting but also to registration; not only to State but also to national elections. And its enforcement would be through contempt proceedings before a judge, without a jury.

The House civil rights bill is now bottled up in the Rules Committee; but if the leadership were seriously interested it could be brought to the floor by discharge or by other parliamentary devices. In any case, the Senate is committed to take up the subject in about 2 weeks. If there is to be worthwhile civil rights legislation at this session, as there ought to be, Republicans as well as Democrats will have to do better in Congress than they have yet been willing to do. The Department of Justice plan may spur them on.

[From the Washington Post, Jan. 28, 1960]
CIVIL-RIGHTS COUP

Attorney General Rogers has injected a vital new element into the civil rights controversy. One effect of his proposal for Federal court referees instead of Federal registrars to prevent racial discrimination in voting is to throw off balance many supporters of civil rights legislation. Having come out for the registrar proposal recommended by the Civil Rights Commission, they find it difficult to switch now to the Attorney General's plan even though it is obviously preferable in some respects. The net effect should be, however, to strengthen the drive for an effective civil rights bill at the present session of Congress.

The Rogers proposal would have at least two notable advantages over the Federal registrar idea. First, it would buttress the right to vote in State as well as national elections. The Federal registrar plan, applying only to national elections, might result in segregated registration—white voters using the regular State machinery and Negroes using the Federal machinery good only for registration to vote in national contests. That might even facilitate discrimination at the polls and in the counting of votes.

Second, the referees to be appointed by Federal judges under the Rogers plan would not only register voters for State and national elections in communities where the courts might find a pattern of discrimination to exist; they would also, at the request of the court, follow up the cases to make certain that the referee-registered voters were allowed to vote and to have their votes properly counted. Once a case had been launched, other voters could obtain protection by providing additional evidence without starting new litigation. Local election officials who might attempt to thwart

this purpose would be liable to punishment for contempt of court under the Civil Rights Act of 1957.

Even some sponsors of the Federal registrar plan fear that many of the Negroes who would be registered under its terms might be denied the right actually to cast ballots. They hope that Congress, seeing this frustration of its intent, would then pass additional legislation, extending Federal guarantees to the ballot box or voting machines and to the counting process. All this would be taken care of in a somewhat different way in the Rogers package.

Two arguments are being advanced against the Rogers proposal. Some critics fear that it would place an undue burden on the courts and that some hostile judges in the South would not conscientiously apply the plan. As to the first point, the burden on the courts would be greatly relieved by the appointment of referees to do the detailed work. This is a well-established judicial practice. Of course, some burden will fall on the courts under any system that can be devised. Constitutional rights that are challenged at every point cannot be enforced without extensive participation of the courts.

If some judges should decline to appoint referees or to sustain well-supported findings, the Department of Justice would have to appeal to the higher courts. Appeals could doubtless be reduced by defining in the law the precise duties of the judge where a pattern of racial discrimination in voting had been established. In case of flagrant violation of duty a judge could be impeached. Of course all these means of coping with an occasionally biased judge would take time, but that would also be true in greater or less degree under any proposal to protect voting rights.

As we see it, the most significant aspect of the Rogers proposal is that it puts the administration on record for positive and far-reaching voting-rights legislation. The effect should be to strengthen the hands of the civil-rights sponsors in Congress. Let the two plans be widely discussed on their merits. If the merits of the Rogers plan predominate, as seems to us probable, the Democratic Congress could scarcely afford to reject it because it has been advanced by a Republican Attorney General.

THE GRAND STREET BOYS' ASSOCIATION SALUTES THE TEACHERS OF THE NEW YORK CITY SCHOOL SYSTEM

Mr. KEATING. Mr. President, all too often we tend to overlook the magnificent contributions being made by the teaching profession to the progress and strength of our Nation. All too often we fail to express our appreciation to the dedicated teachers who are devoting their time, energies, and talents to the task of molding well-informed and useful citizens of tomorrow.

In recognition of this situation the Grand Street Boys' Association of New York City has set up a system of concrete means for expressing thanks to these people. A committee of outstanding educators has been formed to screen over 1,000 nominations of topnotch teachers in the New York City school system. One hundred of these teachers have been picked from this list to receive a special scroll, and 10 of them were awarded \$500 prizes.

While these salutes cannot, of course, take the place of salary increases or other teacher benefits, they provide one means for people to express their gratitude to

this important profession. I am hopeful the leadership of the Grand Street Boys' Association will be emulated by other groups all across the country so that the morale and community standing of teachers everywhere will be raised to a point more commensurate with their vital role in our society.

It is altogether fitting that the Grand Street Boys should be showing such initiative in this field, for this fine organization has over the years made many important contributions to the welfare and progress of New York City, New York State, and the Nation. I am pleased to salute them for their efforts in this regard and delighted that the selfless and effective work of the teachers in the New York City school system is being so suitably recognized.

Mr. President, a number of editorials and articles in recent days have commended the Grand Street Boys' Association for this undertaking. I ask unanimous consent to have the syndicated column of Mr. George Sokolsky on this subject, which appeared in the newspapers of January 27, printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

BONUS FOR TEACHERS

(By George E. Sokolsky)

The Grand Street Boys' Association is an organization consisting mostly of those who came up from what, in their childhood, was the principal slum of New York, the breeding place for gangsters, gamblers, judges, musicians, successful businessmen, professors of universities and pickpockets. All were more or less underprivileged—or something that is now called that. The dividing line between the good and the wicked was none too sharp.

The head of that association is Judge Jonah Goldstein, who ran the gameroom in the Educational Alliance to pay his way through college and law school. I have known him for about half a century and the only change in the man is that he now eats more substantial food. We were none of us rich in those days but happier than Gamble Benedict who will inherit a large fortune some day, less the inheritance tax.

So Goldstein and the Grand Street Boys' Association have come up with an idea. When we were boys down there in the East Side, where many of us lived in cold-water flats and had only gaslight to read by, there were dedicated teachers who were able to cope with the boys and girls of various nationalities, religions, and dialects of English.

So out of gratitude and to encourage teachers to know that they are not just monitors of boys and girls but that they are respected as dedicated human beings devoted to their charges, the Grand Street Boys set up a fund to give an incentive gift to dedicated teachers. We all knew such men and women back in our schooldays on the East Side of New York.

The gift is not too large, only \$500, but considering the inadequate pay of teachers, it helps along. Ten teachers received the \$500 gift this year and 90 more received only a scroll.

I quote from one citation, that to Frank Alweis, of James Monroe High School, to indicate what is meant by dedication:

"By your superiors, by Barnard College and the Ford Foundation, your teaching has been characterized as vital, dynamic, and stimulating, marked by sound scholarship, noble

character and high professional ideals. With zeal and devotion you have inspired able students to a high degree of creative achievement, culminating in scholarships awarded to them by our best colleges. At the same time you have not neglected the slow learners and those beset with emotional problems. Under the sponsorship of Columbia University, you have trained underachievers in better learning habits.

"In addition to your daily classroom chores, you have voluntarily devoted many hours to the advancement of your pupils, by arriving early, staying late, and often sacrificing part of your lunch period. Despite this, you have found the time to publish a history textbook, revise the official syllabus, and write 'a world history.'"

We hear and read so much these days about how inadequate teachers are; how their vacations are too long; and how many of them hold more than one job. What Judge Goldstein and the Grand Street Boys' Association have set out to prove, by selecting 100 teachers a year, is that there are today profoundly dedicated teachers who serve their pupils well and whose influence upon the lives of those who come within their orbit will always be ennobling. It is a task worth while and might be emulated by other communities.

Mr. KEATING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEATING. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILLING OF TEMPORARY VACANCIES IN THE HOUSE OF REPRESENTATIVES

The Senate resumed the consideration of the joint resolution (S.J. Res. 39) to amend the Constitution to authorize Governors to fill temporary vacancies in the House of Representatives.

Mr. EASTLAND. Mr. President, I am opposed to the amendment offered by the senior Senator from Florida [Mr. HOLLAND] to Senate Joint Resolution 39, relating to the qualifications for voting in Federal elections. Legislation to abolish payment of the poll tax has been kicking around the Congress for the past 25 years, and during this period of congressional debate a number of States, through their own initiative, have proceeded, by State action, to repeal the poll tax requirement. Is it not better to permit this trend to continue through State action rather than to incite a long-drawn-out poll tax controversy in the Halls of Congress?

I believe in the poll tax. Although that question is not within my power to determine, I certainly believe that my State should retain the poll tax and the money derived therefrom to help finance our public school system. I have never found that it prevents anyone from voting. It has nothing to do with preventing anyone from voting. In order to be qualified to vote in Mississippi, a person must pay the \$2 poll tax for 2 years be-

fore an election. After he becomes 60 years of age, he is exempt. It is a very good and efficient system to raise money for public schools and education.

We hear much said about the Soviet Union, and the advantages it has over the United States in the field of education. I know that funds received from poll tax payments in the State of Mississippi provide for a more efficient school system there.

It is the judgment of the senior Senator from Mississippi that a person who does not care enough for the franchise to desire to pay a poll tax as a qualification should not be permitted to vote, because I do not believe that he cares enough about his citizenship. I think it is a very wholesome and very fair tax.

Mr. President, I do not challenge the constitutional amendment approach taken by the proponents sponsoring the amendment to Senate Joint Resolution 39. However, I do challenge the wisdom of the approach. As a matter of fact, the chief sponsor of the amendment, the distinguished Senator from Florida [Mr. HOLLAND], in testifying before a subcommittee of the Committee on the Judiciary on a similar proposal in the 83d Congress, stated:

I would like to see the abolition of poll taxes as a prerequisite for voting accomplished as speedily as possible in the five States in which the poll tax requirement still exists, and I would prefer to see that accomplished as a result of action taken by the States themselves.

If the poll tax is to be abolished, it is much better that it be done by the people of the States involved. After all, this is a Union of sovereign States, and this is a question which must be decided at the State level.

Let me say again that I believe in the equity of the poll tax. I hope that the people of my State will not exercise their power to repeal the poll tax. This requirement, as a qualification, remains in only five States, namely Alabama, Arkansas, Mississippi, Texas, and Virginia. I say, let those five States take action themselves, either to retain or to repeal, as they desire.

We all know that the payment of a poll tax as a qualification for voting is as old as America itself. The matter of the qualification of electors in the several States to vote in the election of Federal officials is governed, first, by section 2, article I, incorporated and drafted by the Constitutional Convention of 1787. It provides:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

That provision was included in our original Constitution and remains operative today, spelling out with great clarity that the House of Representatives shall be chosen every second year in the States by the people of the States and that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

It is crystal clear that that provision means that each State is specifically allowed to retain the power to prescribe the qualifications for the electors of the most numerous branch of its State legislature and the Federal Constitution simply prescribes those same qualifications as the qualifications which shall be applicable to those who are allowed to participate in the election of Federal officials.

In 1912, the Congress of the United States submitted to the various States the 17th amendment, to provide for the direct election of Members of the U.S. Senate. Prior to the adoption of the 17th amendment, U.S. Senators had been elected under the preceding provision of the original Constitution, under which the legislatures of the several States elected U.S. Senators. The first paragraph of the 17th amendment states:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Thus, the qualifications clause of the 17th amendment for the election of Senators is the same as the qualifications clause for the election of Representatives. In other words, this means that the States are to determine the qualifications which apply to elections for Representatives and Senators.

During the course of my remarks in the U.S. Senate on September 14, 1959, addressing myself to this very section of the Constitution, the senior Senator from Georgia (Mr. RUSSELL) observed:

I point out to the distinguished Senator from Mississippi that that is the only language in the Constitution of the United States which appears in two places in identically the same words. It appears where the Senator has stated, in section 2 of article I; and in the 17th amendment, providing for the popular election of Senators, the identical language appears again.

There are those who like to contend that the 15th amendment somehow was a restriction upon section 2 of article I of the Constitution. That, of course, cannot be true since the 17th amendment, which was ratified some years after the 15th amendment, repeated the earlier language of the Founding Fathers in article I and is the latest expressed of the will of the people in the writing of their Constitution.

Thus, the distinguished senior Senator from Georgia was affirming the principle which has existed for more than a hundred and fifty years, and which the Founding Fathers intended and contemplated, namely, that it is the States themselves who have the power to determine the qualifications of their own electors.

The question of whether the States or the Federal Government should determine the qualifications of electors of Representatives was thoroughly debated by the delegates to the Constitutional Convention of 1787. On August 6, 1787, Mr. Gouverneur Morris moved to strike from article IV, section 1, of the existing draft—which became article I, section 2, in the final draft—the words:

The qualifications of the electors shall be the same, from time to time, as those of

the electors, in the several States, of the most numerous branch of their own legislatures.

Gouverneur Morris' purpose was "in order that some other provision might be substituted which would restrain the right of suffrage to freeholders." The motion to strike was defeated.

Gouverneur Morris argued that another objection against the clause, as it stood, was that it made the qualifications of the electors of the National Legislature depend upon the will of the States, which he thought was not proper. Colonel Mason opposed the striking of the sentence, stating:

A power to alter the qualifications would be a dangerous power in the hands of the Federal Legislature.

Mr. Ellsworth argued that he thought "the qualifications were on the most proper footing. The right of suffrage was a tender point, and strongly guarded by most of the State constitutions"—Fifth Elliott's Debates on the Federal Constitution, page 385, and the following.

The debates in the Constitutional Convention reveal very clearly that it was the intention of the framers of the Constitution that the States should prescribe the qualifications of electors of Representatives in Congress by section 2 of article I. As Hamilton pointed out in *The Federalist*, this constitutional provision conformed to the "standard," meaning voting qualifications, established or to be established by the States—*The Federalist*, No. 52.

The qualifications prescribed by the State constitutions in force in 1787 and which were carried over into the Federal Constitution, demonstrate conclusively that the words "qualifications" and "qualified" were directly related to requirements for voting.

The constitution of Pennsylvania, 1776, provided in section 6 thereof:

Every freeman of the full age of 21 years, having resided in this State for the space of 1 whole year next before the day of election for representatives, and pay taxes during that time, shall enjoy the right of an elector.

That was a property qualification.

The constitution of New York, 1777, provided in article VII thereof:

That every male inhabitant of full age, who shall have personally resided within one of the counties of this State for 6 months immediately preceding the day of election, shall, at such election, be entitled to vote for representatives of the said county in assembly; if, during the time aforesaid, he shall have been a freeholder, possessing a freehold of the value of 20 pounds, within the said county, or have rented a tenement therein of the yearly value of 40 shillings, and been rated and actually paid taxes to this State.

That was a property qualification.

The constitution of North Carolina, 1776, provided in article VIII thereof:

That all freemen of the age of 21 years, who have been inhabitants of any one county within this State 12 months immediately preceding the day of election, and shall have paid public taxes, shall be entitled to vote for members of the house of commons for the county in which he resides.

New Hampshire was the first State to have the poll tax as a prerequisite to voting. The New Hampshire constitution of 1784 states:

The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz: Every male inhabitant of each town and parish with town privileges in the several counties in this State, of 21 years of age and upwards, paying for himself a poll tax, shall have a right at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March; to vote in the town or parish wherein he dwells, for the senators in the county or district whereof he is a member.

And every person qualified as the constitution provides shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in that town, parish, and plantation where he dwelleth and hath his home.

The members of the house of representatives shall be chosen annually in the month of March, and shall be the second branch of the legislature.

All persons qualified to vote in the election of senators shall be entitled to vote within the town, district, parish, or place where they dwell, in the choice of representatives.

Article II of the constitution of Maryland, provided:

That the house of delegates shall be chosen in the following manner: All freemen, above 21 years of age, having a freehold of 50 acres of land, in the country in which they offer to vote, and residing therein—and all freemen, having property in this State above the value of 30 pounds current money, and having resided in the county, in which they offer to vote, one whole year next preceding the election, shall have a right of suffrage, in the election of delegates for such county; and all freemen, as qualified, shall, on the first Monday of October 1777, and on the same day in which they are respectively qualified to vote, at the courthouse, in the said counties; or at such other place as the legislature shall direct; and when assembled, they shall proceed to elect, viva voce, four delegates, for their respective counties, of the most wise, sensible, and discreet of the people, residents in the county where they are to be chosen, one whole year next preceding the election, about 21 years of age, and having, in the State, real or personal property above the value of 500 pounds current money; and upon the final casting of the polls, the four persons who shall appear to have the greatest number of legal votes shall be declared and return duly elected for their respective counties.

The applicable provisions of the constitution of 1776 of the State of New Jersey are:

ART. IV. That all inhabitants of this colony, of full age, who are worth 50 pounds proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for 12 months immediately preceding the election shall be entitled to vote for representatives in council and assembly; and also for all other public officers, that shall be elected by the people of the county at large.

ART. XIII. That the inhabitants of each county, qualified to vote as aforesaid, shall at the time and place of electing their representatives, annually elect one sheriff, and one or more coroners; and that they may reelect the same person to such offices until he shall have served 3 years, but no longer; after which, 3 years must elapse before the same person is capable of being elected

again. When the election is certified to the Governor, or Vice President, under the hands of the six freeholders of the county for which they were elected, they shall be immediately commissioned to serve in their respective offices.

The 1778 constitution of the State of South Carolina provides:

The qualification of electors shall be that every free white man, and no other person, who acknowledges the being of a God, and believes in a future state of rewards and punishments, and who has attained to the age of one and twenty years, and hath been a resident and an inhabitant in this State for the space of 1 whole year before the day appointed for the election he offers to give his vote at, and hath a freehold at least of 50 acres of land, or a town lot, and hath been legally seized and possessed of the same at least 6 months previous to such election, or hath paid a tax the preceding year, or was taxable the present year, at least 6 months previous to the said election, in a sum equal to the tax on 50 acres of land, to the support of this government, shall be deemed a person qualified to vote for, and shall be capable of electing, a representative or representatives to serve as a member or members in the senate and house of representatives, for the parish or district where he actually is a resident, or in any other parish or district in this State where he hath the like freehold. Electors shall take an oath or affirmation of qualification, if required by the returning officer.

The Massachusetts Constitution of 1780, article II, is as follows:

There shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least 7 days before the first Monday in April, for the purpose of electing persons to be senators and councilors; and at such meetings every male inhabitant of 21 years of age and upward, having a freehold estate within the Commonwealth of the annual income of 3 pounds, or any estate of the value of 60 pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant. And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district, or plantation where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators.

The Georgia constitution of 1777, article II, states:

All male white inhabitants of the age of 21 years, and possessed in his own right of 10 pounds value, and liable to pay tax in this State, or being of any mechanic trade, and shall have been resident 6 months in this State, shall have a right to vote at all elections for representatives, or any other officers herein agreed to be chosen by the people at large; and every person having a right to vote at any election shall vote by ballot personally.

The constitution of Virginia, of 1776, states as follows:

The right of suffrage in the election of members for both houses shall remain as exercised at present; and each house shall choose its own speaker, appoint its own officers, settle its own rules of proceeding, and

direct writs of election, for the supplying intermediate vacancies.

Mr. President, it is abundantly clear from a review of the constitutions of the Original States that at the time those States entered the Union all had either a poll tax requirement or property ownership or taxpaying requirements, and that the words "qualified" and "qualifications" were used in referring to those conditions. Furthermore, it is clear that these conditions had to be complied with before a person became eligible to vote. Not all citizens could vote. Only those who qualified by meeting the requirements specifically set forth in the State constitutions. This historical fact was commented upon by Mr. Chief Justice White, speaking for the Supreme Court, in *Minor v. Happersett* (21 Wall. 162), of the qualifications requisite for voting in the various States at the time the Federal Constitution was adopted. He said:

When the Federal Constitution was adopted all the States, with the exception of Rhode Island and Connecticut, had constitutions of their own. These two continued to act under their charters from the Crown. Upon an examination of those constitutions we find that in no State were all citizens permitted to vote. Each State determined for itself who should have that power. . . . In this condition of the law in respect to suffrage in the several States it cannot for a moment be doubted that if it had been intended to make all citizens of the United States voters, the framers of the Constitution would not have left it to implication. So important a change in the condition of citizenship as it actually existed, if intended, would have been expressly declared.

It is clear that the framers of the Constitution of 1789 simply carried over into it, in section 2 of article I, the idea that the word "qualifications" included requirements for the payment of a poll tax or the payment of a property tax and the ownership of property where such requirements exist under State law.

As a matter of fact, the ownership of property as a prerequisite for voting was carried over from colonial days up to the year 1933 by the State of Pennsylvania. Thus, while there are remaining today only five States having the requirement of the payment of a poll tax, since the inception of our Union of States these States at one time or another had in their laws provisions similar to the poll tax provision. It is still a qualification for voting in municipal and town elections in the State of Vermont.

During the past 150 years one after another of our sovereign States, by the actions of their own State legislatures, have repealed the poll tax provision, so that only five States are left. If it has taken 150 years for the majority of the States to repeal their poll tax provision, is there any great haste, or is there any reason to believe that the five remaining States should not be permitted through their own legislative process to repeal this prohibition, or to retain it, rather than directing the adoption of a constitutional amendment specifically at them?

I submit, Mr. President, wisdom requires that Congress abstain from this

field of legislation, and leave the matter to the action of the State legislatures of these five States.

Mr. President, it is well settled that it is the right of the States alone to determine the qualifications of their voters, and that principle, as I stated earlier in these remarks, was carried over from the charters of the Colonies into the State constitutions of the Original States and was incorporated into our Constitution by the drafters of that document.

Mr. President, in the judgment of the senior Senator from Mississippi, one of the basic factors in our system of government is that the States themselves have the right to choose, to decide, the qualifications of electors. That is a State prerogative. But under the amendment of the senior Senator from Florida, there would be an invasion of the rights of the States and a fracture of one of the fundamental principles of the American Government.

Section 2 of Article I of the Constitution provides:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

James Madison, one of the writers of The Federalist papers, in discussing the qualifications of electors in the electing of Federal officials, stated in Federalist No. 52, at pages 341 to 342:

I shall begin with the House of Representatives.

The first view to be taken of this part of the Government relates to the qualifications of the electors and the elected.

Those of the former are to be the same with those of the electors of the most numerous branch of the State legislature. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress, would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule, would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention. The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established, or which may be established, by the State itself. It will be safe to the United States, because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to abridge the rights secured to them by the Federal Constitution.

During the debates in Congress on the 17th amendment, providing for the direct election of U.S. Senators by the people, rather than being selected by the State legislatures, the principle was enunciated time and time again that

the States alone are to determine the qualifications of the voters.

During the course of that floor debate it was repeatedly stated and agreed that the States alone are to determine the qualifications of their voters. It is the State who, in the first instance, says who can and who cannot vote; and then, after the State determination, the Federal Government guarantees to those whose status has been determined by the States, the right to exercise that franchise. In other words, the Federal Government is not to interfere with any qualifications which the State fixes with reference to the voters.

But what is being attempted here today? The Congress by constitutional amendment would be interfering with a qualification of a voter that has been fixed by the State and has long been observed by the State, namely, that a voter, to be qualified, must have paid a poll tax.

During the course of the debate on House bill 1024, providing for elimination of the poll tax in elections of Federal officers, the then senior Senator from Florida, Mr. Andrews, made some interesting remarks on the floor of the Senate on November 21, 1942. His words then are as pertinent today as they were on that day in 1942; and at this time I wish to quote some of Judge Andrews' remarks:

If any citizen desires to know who are qualified to vote for Representatives and Senators in his State, all he has to do is to look at the constitution of his State and the statutes of his State, and he will find the answer. He will not find it anywhere else.

The paying of a poll tax is inconsequential so far as the mere qualifying of electors in the States to vote is concerned. The amount is not excessive; in fact, in many States it is only \$1 a year. The requirement for the payment of a poll tax has been in vogue in most of the States comprising the Union for many years; in fact, before the Constitution there was a poll-tax requirement in the Colonies. In 32 States of the Union there is now levied a poll tax, but it so happens that in only 7 or 8 States of the Union the prepayment remains a qualification for registration and participation in elections at the polls.

The registration books constitute an honor roll of citizenship; indeed, they evidence the fact that a man or a woman is a member of the great body of interested and responsible citizenship of the United States and thus entitled as a citizen of the United States to express his or her views and wishes at the polls.

Some States have abolished the poll tax as a prerequisite to voting. It happens that my own State of Florida is one of the States which has entirely abolished the poll tax. In 1937 an act was passed by the Florida Legislature repealing the law providing for the payment of a poll tax as a qualification for registration and voting. The next regular session of the legislature in 1939 eliminated all poll taxes entirely. There were a great number of people who felt that the poll tax should not be repealed because the proceeds, though small, went directly to public education. Originally the poll tax was not levied for public-school purposes. Three-quarters of a century ago the poll tax was collected from persons who did not put in a prescribed number of days work on the public roads.

Since that time, however, public education has been developed and expanded, and the public school system has become so neces-

sary for the education of our people that, by statute, the proceeds from the poll tax have been devoted to the support of public schools. The repeal of the poll tax in Florida did not have any effect whatsoever on the casting of ballots so far as race, color, or previous condition of servitude were or are concerned.

The registration of voters regardless of race, creed, or party affiliations was greatly increased; but, so far as I am advised, there was no increase whatsoever in the vote cast by our colored people; yet there has been created all over the United States a feeling that if the pending bill could be passed it would have a profound effect upon the number of votes cast by the colored people. What has happened in the State of Florida is sufficient to show that no such result would be brought about. All may vote who are qualified and register in the poll books. There are infinitely more poor white people who probably did not vote by reason of the poll tax than colored.

I was in favor of the abolition of the poll tax in my State not only for the reason I have stated but for another reason. The poll-tax requirement for voting afforded designing politicians an opportunity by collaboration with the heads of great organizations, to provide means whereby people who do not feel able to pay their poll tax had it paid for them, on condition they agree to vote a certain ticket. Such things perhaps have occurred all over the United States.

The question may be asked why should a person who believes as I believe, that it was wise to abolish the poll tax in Florida, oppose the pending bill? I have just read from the Constitution of the United States which provides, in clear terms, that the power to provide qualifications for voters was and is a power retained by the States. If the Congress can pass a law doing away with the qualifications now so provided in certain States, it could go further and pass a law providing that there shall not even be registration, which is now the *prima facie* evidence that one is entitled to vote. If such an attempt had been made during the Constitutional Convention, or during the time the Bill of Rights was under discussion, it would have failed.

As Judge Andrews so cogently observed in 1942, if the Congress can pass a law doing away with the voter qualifications now provided in certain States, as is here attempted by way of a constitutional amendment, it can go further and provide that there shall not even be voter registration. If this path is pursued by the proponents, there will be no authority left in the States over their own voters and the inevitable result will be Federal preemption of the entire voter field.

Mr. President, the amendment offered by the distinguished senior Senator from Florida is certainly a long step in the direction of federalization of elections and the control of all elections, even in the counties and in the towns, by the Federal Government.

I say that if this course is followed by the Congress, the words of Chief Justice Fuller in *McPherson v. Blacker* (146 U.S. 1), at page 36, no longer will have meaning. Chief Justice Fuller said:

The "right to vote" protected or secured by the Constitution is, and only is, the right to vote as established by the laws and constitution of each State.

If we deprive the States of the power to determine the qualifications of their voters, the right to vote will be only that

right conferred by the Federal Government. The States will have nothing to say about their own voters.

Mr. President, in the 83d Congress there was before the Senate Joint Resolution 53, proposing an amendment to the Constitution of the United States to grant to citizens of the United States who have attained the age of 18 the right to vote. On May 21, 1954, after debate, the Senate rejected that proposed constitutional amendment. It was the considered judgment of the Senate on that day that the power of the States to determine the age at which its citizens may vote is a qualification which should be retained by the States themselves. I believe that the arguments made on the floor of the Senate in the 83d Congress by those opposing a constitutional amendment which would lower the voting age to 18 are equally applicable here today in opposing this constitutional proposal to outlaw the poll tax. It was stated again and again on the floor of the Senate, in the debate on the constitutional amendment lowering the voting age to 18, that the States themselves should determine the qualifications of their own voters; that if a constitutional amendment were adopted lowering the voting age to 18 and taking that power from the States, then there would be other attempts by way of constitutional amendments to take other powers concerning voters from the States. The end result of this would be to lodge all power and control over voting requirements in the Central Government, rather than in the States, where the Constitution properly determined they should be.

During that debate on the 18-year-old amendment, Members of this body echoed and reechoed the statement that the Federal Government should not invade the States and say to their people: "We are going to tell you what to do and we will deny to you the right to legislate in this vital field of maintaining and operating the elective process and deciding the qualifications of your electors."

In that debate a most persuasive speech was delivered in opposition to favorable consideration of that constitutional amendment by the senior Senator from Georgia [Mr. RUSSELL]. It is so pertinent to the matter under consideration here today that I desire to quote some remarks of the Senator from Georgia. He stated:

It so happens that I represent in part in this body the one State which allows persons to vote on attaining the age of 18. That was brought about by using machinery provided under our State law. There is not a single State in the Union which does not have adequate machinery at the State level to enable it to fix the age of voting at any age. I think that permitting all those attaining the age of 18 to vote in my State has worked very well. I have no complaint to make with regard to that; but I do not propose to vote to coerce any other State of the Union to follow the example of my State. Neither do I propose to vote for an amendment which would put my State in a strait-jacket which would prevent it from making a change in that regard. For illustration, suppose in the next few years the Legislature of Georgia decided that the age of 18 was 1 year too soon to allow persons to vote, and the people of my State wished to change the

voting age to 19. That right is guaranteed to the people of my State by the terms of the Federal Constitution. If they wished to do so, the voting age could be changed to 19 instead of 18. I do not propose to encase the people of my State in any Federal strait-jacket such as this measure offers.

Mr. President, States are fast losing their identity as units of government. Our once proud dual system seems to be giving way to the view that all power should be concentrated in Washington, that only Washington has the wisdom to direct and control the people of the United States in every detail of their daily lives. We know we have achieved our present greatness not through the concentration of power in the Federal Government, but because the functions of Government were kept close to the people, and all the people took great interest in their Government, because we have felt greater responsibility for local governments, and because, embraced within the Federal Government, we have 48 laboratories of government, each of which could try out measures and undertake to adapt itself to different conditions and different laws. The people of the United States have not heretofore considered it to be advisable or desirable to have every bit of the power of Government concentrated in Washington, with an allegedly allwise Congress sending word down to the States, which would reflect upon the intelligence, integrity, and capacity of every State legislature, the Governor of every State in the land, and telling them, "You have the machinery available to you right at hand to fix the voting age within your State, but you have not the intelligence, the patriotism, and the integrity to use it properly."

I do not want the Federal Government to invade the States and say to their people, "We are going to tell you what to do. We are going to put you in a straitjacket. Henceforth and forevermore, you will be denied the right to legislate under State laws in this vital field of maintaining and operating the elective process in this Government and deciding the qualifications of your electors."

This step will be followed by others; perhaps the insistence that the votes should be counted here in Washington, and when that day comes the Republic will be gone. It will be well for us to remember what took place with regard to the election which resulted in what is known as the Tilden-Hayes case, when the Federal Government undertook to operate the election machinery of some of the States.

The Senator from Georgia [Mr. RUSSELL] predicted in 1954 what could happen today. He said that one proposed constitutional amendment after another could be brought up designed further to limit the power of the States. And if that procedure were followed, ultimately there would be no power left in the States, but all power would be in the Federal Government, and that would be the doom of the United States.

Mr. RUSSELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. EASTLAND. I yield.

Mr. RUSSELL. Mr. President, I am flattered to have the distinguished Senator read my remarks with respect to the proposal to amend the Constitution of the United States so as to freeze the voting age requirement. My State, it so happened, was the only one at that time which would permit voting at the

age of 18, but, as I stated, I did not propose to coerce any other State.

It so happens that my State does not collect any tax for the right to vote.

Of course, there is a great misunderstanding about the poll tax. I found one eminent Member of this body once who thought the word "poll" in relation to the poll tax had something to do with the voting place. As a matter of fact, this tax is a capitation tax or a head tax, and it is designated by one of the oldest of the four letter Anglo Saxon words "poll," which means "head." This is a head tax.

I assure the Senator that I feel as strongly on this subject today as I did when I made those remarks in 1954. I am delighted that the Senate of the United States on that occasion failed to give the two-thirds vote necessary to propose the amendment to the Constitution, even though that proposal had the endorsement of a new national administration and one of the most popular Presidents this country had ever known.

People learn as they go along. I am delighted the President of the United States has not revived the demand that we amend the Constitution and shrink the electoral process by action in the National Capital. There is no doubt about the fact that, if it is permitted to prevail, the demand on the part of a group of self-righteous reformers that everything in this country conform to their views will ultimately destroy the way of life which has given us the greatest civilization the world has ever known.

A group here in Washington, D.C., subject to the demands of power politicians, continually says to Members of Congress who are slaves of pressure groups, "You must conform—you must conform—to what we think is the proper rule of conduct."

They say that the 50 States must conform; that the more than 3,000 counties of this great land of ours, confronted with different problems and having different schools of thought—indeed, having different ethnic strains of people—must conform.

Mr. EASTLAND. Is it not true that the whole theory of our Government is that there should be no conformity?

Mr. RUSSELL. I was coming to that point. We are told that 170 million American citizens who have been free men must conform to the views of this group as to what kind of citizens we should have. They propose to make robots out of the American people—to make us all in one mold, to make us all of one kind, to make us all think alike. They will wind up by having us drink alike, eat the same foods, pursue the same rules that are laid down in Washington, D.C.

Mr. EASTLAND. Does the Senator agree that when we go into the field of federalizing elections, which the Holland amendment would do, it will destroy this country and destroy the liberties of the American people?

Mr. RUSSELL. I was very pleased when the Senator read my prediction in 1954. I stand on that same position today. If the day ever comes when we

federalize elections and bring the ballot boxes to Washington, D.C., to have the votes counted—if we break down the compartments of the 50 States of the Union—that day we will have invited a dictatorship and a destruction of individual liberty in these United States.

Mr. EASTLAND. Mr. President, the Constitution provides that the States are to prescribe the qualifications of electors of the most numerous house of the respective State legislatures, and within those qualifications is the qualification of age of the voter. In the nature of suffrage there must be the age qualification, and the States by their own constitutions prescribe the age at which a voter is eligible to vote. By constitutional amendment the Congress attempted to limit the power of a State to determine at what age its citizens may vote. That attempt was defeated on the floor of the U.S. Senate on May 21, 1954. Another qualification the States have imposed in the past, and which is now observed as a requirement by only five States, is the payment of a poll tax as a prerequisite for voting. Here today, is an attempt to limit the power of the States in that area. If that proves successful, then what can be done next? A residence requirement is common and perhaps universal, but the time of residence varies greatly in the different States and each State, within its own constitution, prescribes a residence requirement as a voting qualification. It follows that there could be next on the horizon a constitutional amendment taking from the State the power to determine the residence requirement for its own electors.

Registration of voters is commonplace and proper qualification. The several States, by their constitutions, establish registration requirements. Possibly within the near future attempts will be made, via the constitutional amendment route, to take away this power of the State to determine registration requirements for its voters.

A number of the States have literacy and educational tests as a proper qualification for a voter. A constitutional amendment could be proposed to take that power from the States.

The end result will be, if the present action is successful, to limit the power of the State to determine its qualifications by way of a poll-tax requirement, and all of the other voter qualifications followed by the States today will be taken from them and lodged in the Central Government.

I say it is possible, of those who feel that the State should have no power at all over the qualifications of its own electorate continue their efforts, there will be no State power over the electorate, but everything will be in the hands of the Federal Government. In my judgment, the adoption of this amendment today would be but a step in the direction of concentrating in the Federal Government all power over State electors, and if the proponents are successful in having this constitutional amendment approved, the other steps will inevitably follow:

Mr. President, I should like to correct a misapprehension which has ex-

isted for as many years as the poll tax controversy has been before the Congress, that the poll tax, as such, in effect in the five States is discriminatory between the races. Nothing could be further from the truth. The present poll tax qualification existing in the five States of Alabama, Arkansas, Mississippi, Texas, and Virginia does not discriminate in any way, shape, or manner as between the races. These poll tax laws apply to whites in exactly the same manner as to Negroes. Nonpayment of the tax is a bar to a white person voting the same as in the case of a Negro. The discrimination, if any, is between those who conform to the law and those who do not. The poll tax laws merely provide that before voting a citizen must have paid a poll tax.

The impression also exists that those who oppose legislation repealing the poll tax are trying to preserve poll taxes as such. Our opposition to this measure is predicated on the basis that any action by way of repeal should come from the States themselves rather than by action of the Federal Government. In opposing favorable consideration of this amendment we stand on the principle that fixing qualifications for voting should continue to be the right of the States and should not be taken over by the Federal Government.

Past history reveals that the poll tax has been, is being, and can be ended by action of the States themselves, thereby making action by the Federal Government in this field unnecessary. The charge has been made that discrimination against Negroes keeps them from voting. In my State a person over 60 years of age is exempt from payment of the poll tax. In some States the age is 50 years.

It is our strong feeling that those who demand action by the Federal Government by way of the constitutional amendment route indirectly give aid and comfort to those who try to break down our American system of government by taking from the States functions which they should exercise and always have exercised under our constitutional form of government. If the effort to whittle away part of the sovereignty of the States is successful in this instance it can be accomplished in other fields, and eventually there will be little left of the States as governmental entities.

Mr. President, more than 150 years ago the framers of our Constitution debated at great length in the Constitutional Convention the question of the qualifications of electors. After full and unlimited debate the collective judgment of that great Convention recommended that the qualifications requisite for Members of the U.S. House of Representatives be the same as those requisite for electors of the most numerous branch of the State legislature. There were those in the Convention who desired to place the power of determining qualifications in the National Government. However, the Members of the Convention determined that the right of fixing the qualifications should be within the power of the States, and that power has remained with the States for more than 150 years. Today, because there are five

remaining States that have a qualification on their statute books pursuant to their own constitutions, it is proposed that Congress reverse the action taken by the framers of our Constitution in 1787.

Mr. President, I believe the Senate of the United States is striking a mortal blow at the sovereignty of our individual States in limiting the power of the States to determine the qualifications of its voters.

In the 77th Congress the Committee on the Judiciary had under consideration S. 1280, a bill concerning the qualifications of voters or electors within the meaning of section 2, article I of the Constitution and making unlawful the requirement for the payment of a poll tax as a prerequisite to voting. A subcommittee of the Committee on the Judiciary submitted an adverse report to the full committee on this proposal. The adverse report of the subcommittee contained a statement which bears repeating at this point. The statement is this:

It is acknowledged by the proponents of this bill that Congress has no power to fix or alter the qualifications of voters for State office and so they propose only to abolish the poll tax for election of Federal officials. To do this, they must deny that a poll tax is a qualification. Otherwise, they would be forced to admit an attempt to disregard section 2 of article I. This they cannot do without conceding the unconstitutional character of the bill. So they adopt the ingenious ruse of declaring in the first section of the measure that the poll-tax requirement is not a qualification of voters but an interference with the manner of holding a Federal election and as such subject to regulation by Congress under section 4, article I. Here, however, they are met by the historic fact that when the Constitution was adopted all of the original States had property or tax qualifications for voters.

The framers of the Constitution knew, for example, that the actual payment of a State or county tax was a voting qualification in Pennsylvania when the instrument was drawn and that the other States had similar provisions. The framers accepted these qualifications, whatever they might have been in all of the States, by the language of section 2 of article I and nowhere did they give Congress the power to alter them. They did give Congress the power to alter State regulations governing the times and manner of choosing Senators and Representatives as well as the places of choosing Representatives, but no such supervisory power over voting qualification was granted. Certainly such power cannot be implied by contending that although the Constitution makers, who were perfectly familiar with property qualifications, did not have them in mind when writing section 2 of article I which deals with qualifications, but did intend to give Congress power to change them when they wrote section 4 of article I which deals with the manner of holding elections.

It would be difficult to imagine any language more clear than the first clause of section 2, article I:

"The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

If Congress by law should undertake to provide, as the proponents of this bill urge Congress to do, qualifications for the electors of Members of the National House of Repre-

sentatives other than and different from those "requisite for electors of the most numerous branch of the State legislature" in any State, it would be acting in direct contravention of the mandate of the Constitution that they should be the same.

It should be noted that the chairman of the subcommittee considering the proposal at that time was the distinguished Senator from Wyoming [Mr. O'MAHONEY], who was then and is now a member of our Committee on the Judiciary and one of the leading constitutional lawyers of all time. That subcommittee, in considering S. 1280, also stated:

It is better to await the wise action of the remaining States than by a strained construction of the Constitution to apply by statute the power of the central Government to force upon any State a particular course of action in a field which the Constitution left to the States.

I submit that the statement of the then subcommittee of the Committee on the Judiciary is as appropriate today as it was 17 years ago. It is my considered judgment that the Congress would be wise today to await the action of the five remaining States, by action of their State legislatures, rather than to whittle away by constitutional amendment a power which was left to the States themselves by the framers of the Constitution.

Throughout the history of our country regulation of voting has been traditionally and appropriately a function of the States. In fact, the intrusion of the Federal Government into the regulation of voting has been generally considered unconstitutional except in those instances precisely defined in the 14th and 15th amendments. In *Minor v. Happerset* (88 U.S. 162 (1874)), Mrs. Minor was refused registration to vote for electors for President and Vice President of the United States, and for a Representative in Congress at the general election held in November 1872. She was refused because the Missouri constitution authorized voting my male citizens only. Mrs. Minor contended that the right to vote at elections affecting Federal offices was a right and privilege secured to her by the Constitution of the United States which could not be abridged by the State of Missouri. The Court said:

If the right of suffrage is one of the necessary privileges of a citizen of the United States, then the constitution and laws of Missouri confining it to men are in violation of the Constitution of the United States, as amended, and consequently void. The direct question is, therefore, presented whether all citizens are necessarily voters.

Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without losing my right to the floor.

THE PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MR. EASTLAND. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(At this point Mr. EASTLAND yielded to Mr. MAGNUSON to introduce a bill (S. 2935), and debate ensued which appears earlier in today's RECORD under the appropriate heading.)

Mr. HILL. Mr. President, will the Senator from Mississippi yield, so that I may suggest the absence of a quorum, if it is understood that in yielding for that purpose he will not lose the floor?

Mr. EASTLAND. Yes, if unanimous consent for that purpose is given.

Mr. HILL. I so request.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Is there objection? Without objection, it is so ordered.

Mr. EASTLAND. Then, Mr. President, I yield.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HILL. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Without objection, it is so ordered.

The Senator from Mississippi has the floor.

Mr. EASTLAND. Mr. President, at the time of the interruption I was quoting from the decision of the Supreme Court in the case of *Minor v. Happerset*. I continue the quotation:

The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case, one need not determine what they are, but only whether suffrage is necessarily one of them.

It certainly is nowhere made so in express terms. The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by State voters. The Members of the House of Representatives are to be chosen by the people of the States, and the electors in each State must have the qualifications requisite for electors of the most numerous branch of the State legislature. Senators are to be chosen by the legislatures of the States, and necessarily the members of the legislature required to make the choice are elected by the voters of the State. Each State must appoint, in such manner as the legislature thereof may direct, the electors to elect the President and Vice President. The times, places, and manner of holding elections for Senators and Representatives are to be prescribed in each State by the legislature thereof; but Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators. It is not necessary to inquire whether this power of supervision thus given to Congress is sufficient to authorize any interference with the State laws prescribing the qualifications of voters, for no such interference has ever been attempted. The power of the State in this particular is certainly supreme until Congress acts.

The amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guarantee for the

protection of such as he already had. No new voters were necessarily made by it. Indirectly, it may have had that effect, because it may have increased the number of citizens entitled to suffrage under the constitution and laws of the States, but it operates for this purpose, if at all, through the States and the State laws, and not directly upon the citizen (*Minor v. Happerset*, 88 U.S. 162, 170 (1874)).

Finally the Supreme Court said:

Certainly, if the courts can consider any question settled, this is one. For nearly 90 years the people have acted upon the idea that the Constitution, when it conferred citizenship, did not necessarily confer the right of suffrage. If uniform practice long continued can settle the construction of so important an instrument as the Constitution of the United States confessedly is, most certainly it has been done here. Our province is to decide what the law is, not to declare what it should be (*Minor v. Happerset*, 88 U.S. 162, 170 (1874)).

This was the consistent doctrine of the Supreme Court for generations. In *United States v. Reece* (92 U.S. 214 (1875)), election inspectors were indicted under sections of a postwar Civil Rights Act for depriving a Negro citizen of the right to vote in a municipal election. The Court held that those sections of the statute were vague and indefinite, therefore unconstitutional, because they did not precisely limit the definition of the Federal crime to deprivation of voting rights protected by the 14th and 15th amendments.

The Court said—*United States v. Reece* (92 U.S. 214, 217-218 (1875)):

The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, education. Now it is not. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment, there was no constitutional guarantee against this discrimination; now there is. It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by appropriate legislation.

In the case of *Breedlove v. Suttles* (302 U.S. 277, 238 (1937)), a Georgia statute making a poll tax a voting prerequisite to Federal and State elections, was attacked on the ground that it violated the 14th and 19th amendments. The tax in question applied to all inhabitants of Georgia between the ages of 21 and 60, with an exception for females who did not register for voting. The court held that the classification of the law, not being an invalid discrimination, did not violate the equal protection clause of the 14th amendment. The court also held that the exemption for women who did not vote was not in violation of the

19th amendment. In the course of its opinion the court also stated clearly that the poll tax was not prohibited by the privileges and immunities clause of the 14th amendment and was a proper qualification for voting for the States to impose.

To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate. *Minor v. Happersett* (21 Wall. 162, 170 et seq.), *Ex Parte Yarbrough* (110 U.S. 651, 664-665), *McPherson v. Blacker* (146 U.S. 1, 37-38), *Guinn v. United States* (238 U.S. 347, 362). The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources (*Hamilton v. Regents*, 293 U.S. 245, 261).

The question of Virginia poll tax as a prerequisite to voting was reviewed by a special three-judge court as recently as 1951 in *Butler v. Thompson* (D.C.E.D. Va., 97 F. Supp. 17, affirmed, 341 U.S. 937). Judge Dobie quoted from an earlier opinion in the case of *Saunders v. Wilkins* (152 F. 2d 235, 237), as follows:

The decisions generally hold that a State statute which imposes a reasonable poll tax as a condition of the right to vote does not abridge the privileges or immunities of citizens of the United States which are protected by the 14th amendment. The privilege of voting is derived from the State and not from the National Government. The qualification of voters in an election for Members of Congress is set out in article I, section 2, clause 1 of the Federal Constitution which provides that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The Supreme Court in *Breedlove v. Suttles* (302 U.S. 277, 283, 58 S.Ct. 205, 82 L. ed. 252) held that a poll tax prescribed by the constitution and statutes of the State of Georgia did not offend the Federal Constitution.

In the case of *Pirtle v. Brown* (118 Fed. 2d, 218, 221), the Circuit Court of Appeals of the Sixth Circuit considered this question: Whether or not the Tennessee Constitution and statutes, which make the payment of a poll tax a condition precedent to the right to vote for Members of Congress, are repugnant to any of the provisions of the Constitution of the United States.

Pirtle, otherwise qualified, but having failed to pay the poll tax required by law, attempted to vote. The defendants, judges of election, declined to allow him. In the action brought by Pirtle, the Federal District Court rendered judgment for the defendant. Pirtle appealed to the Circuit Court of Appeals. The contention of the appellant, Pirtle, was that article IV, section 1, of the Constitution of Tennessee, and section 2027 of the Tennessee Code, violated the "privileges and immunities" clause of the 14th amendment to the Federal Constitution. The Circuit Court of Appeals held that this point had been conclusively decided against appellant in the case of *Breedlove v. Suttles*, and that the Tennessee Code and Constitution did not

violate the "privileges and immunities" clause of the Federal Constitution.

In so holding, that court said:

But in any event, we are not dealing with the question whether the payment of poll tax as a prerequisite to voting violates some natural right or fancied political right. The inquiry is, whether such provision denied any privileges or immunities protected by the Federal Constitution. We have already seen that article I, section 2 of the Constitution of the United States guarantees to the elector for Members of Congress no other privileges than those accorded him by the State as an elector for the most numerous branch of the State legislature. But appellant goes beyond this. He urges that the quoted provision of article IV, section 1 of the Constitution of Tennessee and section 2027 of the code violates the "privilege and immunities" clause of the 14th amendment; that his right to vote for a Member of Congress is not taxable, regardless of whether the amount of the tax imposed is trifling or substantial. We need not labor the point. It has been conclusively decided against appellant in *Breedlove v. Suttles*, *supra* (302 U.S., p. 283, 58 S. Ct., p. 208, 82 L. ed. 252), where the court said:

"2. To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate. *Minor v. Happersett* (21 Wall. 162, 170, et seq., 22 L. ed. 627; *Ex parte Yarbrough* (110 U.S. 651, 664, 665, 4 S. Ct. 152, 28 L. ed. 274); *McPherson v. Blacker* (146 U.S. 1, 37, 38, 13 S. Ct. 3, 36 L. ed. 869); *Guinn v. United States* (238 U.S. 347, 362, 35 S. Ct. 926, 59 L. ed. 1340, L.R.A. 1916A, 1124). The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources. *Hamilton v. Regents* (293 U.S. 245, 261, 55 S. Ct. 197, 203, 79 L. ed. 343)."

I believe that it would be inconsistent for the Congress today to propose the enactment of a constitutional amendment to outlaw the poll tax by such route, in view of the fact that the principle has been long established that the States alone are to determine the qualifications of their voters. This would be the first time the principle of a State determining the qualifications of its voters has been vitiated on grounds other than race or sex. It is sound reasoning to me that Congress should not be spending its time trying to outlaw a qualification for voting required by only five States, and that this State action by so small a minority should not engage the attention of the Congress and the constitutional amendment route. It is my feeling that the proponents of this proposal could better use their time by advocating the abolition of the poll tax through the State legislatures themselves, that is, work on the State legislatures of these States now having such a tax rather than to seek action by the Congress by way of a constitutional amendment.

However, even if there were only one State remaining that required payment of a poll tax as a qualification for voting, we should not vitiate the right of a sovereign State to determine the qualifications of its own voters. Any action relating to a determination of the qualifica-

tions of the voters should come from the sovereign States themselves. If this proposal directed at five States is adopted by the Congress and ratified by three-fourths of the States, a pattern and precedent will be set so that subsequent action could be taken to initiate further constitutional amendments which would whittle away at the power of the States to control the qualifications of their voters. It would be logical, if this constitutional amendment process were adopted, for a succeeding Congress to attempt by constitutional amendment to remove from the laws of the States the educational qualifications provided in various States as a prerequisite to voting. Successive steps could follow which, if carried to their ultimate conclusion, could deprive the sovereign States of any control whatsoever over the qualifications of their own electors. I can only repeat that the sensible and logical approach, if the proponents so desire, is to seek repeal of the poll tax provision through the State legislatures, rather than by cluttering up the Constitution with an amendment affecting only five States. In other words, I believe that these States should have the power to repeal or retain the poll tax requirement.

Mr. President, 17 years ago the Senate was considering legislation outlawing the poll tax as a qualification for electors. During the course of the debate on that bill one of the greatest legal arguments ever made on the Senate floor was delivered by the Honorable JOSEPH C. O'MAHONEY, of Wyoming, who has long been recognized as one of the leading constitutional lawyers in this body. I believe that Senator O'MAHONEY's statement made 17 years ago on the rights of States to fix the qualifications of their electors is so persuasive and so informative and cogent in its reasoning that his remarks should be recalled today. Senator O'MAHONEY said:

We now come to the question whether or not the pending bill represents a constitutional attempt to exercise constitutional congressional power. To me the answer to the question is so clear that I wonder how it can be debatable. At the very outset of the hearing on the pending bill I propounded the constitutional questions and asked the advocates of the bill to present arguments in support of their contention that the power to fix the qualifications of voters resides in a majority of Congress rather than in the States. The answer to that question has been merely the ingenious and clever stringing together of words, phrases, and emotional appeals by special pleaders who found themselves confronted by language and history which no person can misunderstand.

Bear in mind the fact that the framers of the Constitution clearly intended to make the States equal, and that they were careful to preserve in the States those powers which were not delegated to the Federal Government. We are confronted with the question of what they did about determining who should be the electors and who should fix the qualifications of the electors.

Let it be remembered that the men who sat in the constitutional convention and drew this instrument, which everyone recognizes as one of the most remarkable instruments ever drafted, did not provide for popular election of Senators. They provided that Senators should be elected by the State legislatures; and of course they neither exercised any jurisdiction, nor attempted to exercise any jurisdiction, over the qualifications of

members of the legislatures. Their decision was that so far as the Members of the Senate were concerned the selection should be made by whomever the people of the several States might choose to send to the State legislatures.

Even in the matter of the election of the President, they erected a barrier between the people and the Chief Executive by creating the electoral college. The idea was that a group of wise men should be chosen as electors by the several States—chosen independently in the several States; let us not forget that—that such electors should meet in their own States, that they should not come together in any general body to debate, but that, meeting separately in their several States, they, in the exercise of their judgment, should choose the President. The genius of the people of America for self-government was so great, however, that though we have never changed the electoral college, the electors now, as a matter of course, vote for the candidates chosen by the parties by whom they in turn are nominated.

Of course, it may be pointed out here with respect to the election of Senators that the 17th amendment made no change in the fundamental concept of the independence of the States or the right of the States to determine the qualifications of the voters.

Bearing in mind that Senators as Federal officials were not to be elected by the people, and that the President was not to be elected by the people, we find the explanation of section 2 of article I, which is the only provision in the Constitution dealing with voters' qualifications. It has already been read during the course of this debate; but for the sake of the continuity of my argument let me read it again:

"The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

What is the answer? One of the principal advocates of the bill before us, in an article which he prepared for a law journal, acknowledged that for years it was generally assumed that the sole power to fix the qualifications requisite for electors for the House of Representatives resided in the States; and he said there never was any thought otherwise until some bright mind conceived the idea of separating the qualifications requisite for electors of Federal officials from those requisite for electors of State officials, and of arguing that a poll-tax requirement is not a qualification, but merely an interference with the manner of holding an election, because section 4 of the first article provides:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

So the argument of the proponents of this bill must be that the poll-tax requirement is not a qualification, but an interference with the manner of holding an election.

Can anyone say that that is not a strained construction—so strained, Mr. President, that some of the advocates of the bill are not content to rely upon it, but say that the real basis of the bill lies in the provision of the Constitution by which the United States is required to guarantee to each State a republican form of government. Then we are asked to believe that a poll-tax requirement is a violation of the principles of a republican form of government. How can that be contended in the face of the fact that the men who drafted the section, the men who drafted the Constitution, had been chosen by the people of States in every one of which there was some form of a property-ownership or tax-payment qualification?

Mr. President, the poll-tax requirement as a prerequisite for voting was not abolished in the State of Massachusetts—and I speak of Massachusetts because I was born there, and because I know that it has been one of the most progressive and liberal States of the Union—until 1892. It was not abolished in the State of Pennsylvania until 1933. So during all that time, from the moment when the Constitution was written by men chosen in States which recognized the ownership of property and the payment of taxes as qualifications for voting, right down to this decade, the right of the States to impose or to repeal such a qualification had been recognized; and no one sought to question it until the bright idea dawned that, by calling red blue, we could amend the Constitution—a qualification is not a qualification. Let the Congress by a majority vote so declare, and the necessity of amendment the Constitution as the Founding Fathers directed us to do in article V would be obviated.

Therefore, it seems to me to be perfectly clear, from the text of the debate in the Constitutional Convention itself, that the men who drafted this instrument knew precisely what they were doing, and when they defeated Gouverneur Morris' amendment to fix the qualifications in the Constitution, they did so precisely because they wanted that right to fix qualifications to remain with the States.

Mr. President, that is the heart of the question. The States have the right and should retain the right to fix the qualifications for voters.

I read further:

This was because, in the words of Mr. Wilson, that it would be disagreeable to have two sets of electors, one voting for State officers and the other voting for Federal officers.

The proposal was voted down in the Constitutional Convention. The proponents of the bill ask us to vote it up by a statute. They contend that although the Constitutional Convention said that the qualifications for those who are to choose the only Federal officials who are to be elected by the people shall be the same as the qualifications of those who are to choose the most numerous branch of the State legislature, we should now alter that program, that procedure, that policy, and should make the qualifications different.

The Senator from Wyoming [Mr. O'MAHONEY], in engaging in colloquy with the late Senator Bankhead, of Alabama, and the then Senator Connally, of Texas, made further observations which, I believe, bear repeating here:

Mr. O'MAHONEY. The Senator is quite right, and that leads me to make this observation. In the light of the debate which I have already read earlier today it is clear that if the framers of the Constitution had wanted to make a Federal rule of qualification, since it is clear that they knew exactly what the issue was, they would have written it into the Constitution. One member, seconded by another member of the Convention, indeed tried to do that, and the effort was defeated, and then, as the Senator from Alabama has so cogently remarked 125 years later, when the people of the country were providing for the popular election of U.S. Senators, they decreed again that the qualifications of the electors who should choose the Senators should be the same as those of the electors of the most numerous branch of the respective State legislatures. There can be no question, it seems to me, of the meaning of the language.

The drafters of the Constitution, and the States, when they amended the Constitution to provide for popular election of Senators,

did precisely what the Senator from Texas said; they decreed that the Federal qualifications in each State should be those which each State adopted for itself. That is not only my view, the view of the Senator from Texas, the view of the minority of the Judiciary Committee; it has been the view of every person who has commented upon the Constitution from the time it was written and adopted down to the hour when the sponsors of the proposed legislation undertook to separate Federal qualifications from State qualifications.

Mr. President, section 2 of Senate Joint Resolution 126 provides that nothing in this article shall be construed to invalidate any provision of law denying the right to vote to paupers or persons supported at public expense or by charitable institutions. This section of the proposed constitutional amendment poses problems; and I believe that if this measure were enacted, it would have serious effect on the laws of a number of States.

The senior Senator from Florida, the author of the amendment, in testifying before the Constitutional Amendments Subcommittee of the Committee on the Judiciary, in the 84th Congress, stated that he added section 2 to his amendment for the reason that if the proposed constitutional amendment were to exclude property qualifications in general terms, the joint resolution might run into opposition from States which have either in their constitutions or in their statutes provisions which prohibit participation in elections by paupers or persons who are inhabitants of public institutions and charges upon the general public, and that section 2 was, therefore, added to the joint resolution to meet that point. The distinguished Senator from Florida went on to observe that various States have adopted such procedures because it has been found that corruption in State elections has resulted from efforts to dominate the voting of inhabitants of poor-houses and institutions of that kind, to the degree that such States felt it was important as a State policy to prohibit, either by constitutional amendment, as is found in some States, or by statute, the voting of public charges of that kind.

In connection with section 2 of the amendment, the distinguished author of the joint resolution included for the record a memorandum, dated December 7, 1950, from the Library of Congress. While the memorandum from the Library of Congress observes that the provisions of section 2, relating to paupers or persons supported at public expense or by charitable institutions, would meet the possible objections of some States, it does cast some doubt as to the possible effect of this joint resolution on certain provisions of law relating to registering and voting in the New England States. The Library of Congress memorandum observes that the proposed constitutional amendment would possibly require new legislation in Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, where the laws relating to registration and voting are closely integrated with poll-tax assessments or collections. Rhode Island constitutional and statutory provisions reducing the length of residence required for persons owning

real estate would also be eliminated. Such a provision discriminates in favor of property owners, disqualifying non-property owners for a year.

Mr. President, the possible effect that this proposed constitutional amendment could have on the registration and voting laws of the New England States lends further substance to my view that Congress would be showing better judgment by seeking the abolition of the poll tax, through action by the legislatures of the five States, rather than adopting a constitutional amendment, which could possibly create havoc with some provisions of State laws.

Mr. President, I cannot help but feel that Congress should not be directing its energies and attentions toward a small minority of five States and should not be calling into play the constitutional amendment route of amending the Constitution in order to do away with the poll-tax requirements of five States. The Congress has better things to do, and matters of nationwide importance should not be neglected while the Congress debates a constitutional amendment striking out a provision of State statutes having to do with the qualifications of electors. In view of the language of section 2 and its possible effect upon the voting and registration laws of the New England States, I suggest that, rather than muddy the waters any further, we permit the affected States to remedy the situation in the way that has been accomplished by the other States which have abolished the poll tax. Mr. President, let me say that I hope the Mississippi Legislature never will do that, but that is a decision for its determination.

I do not believe that the Senate in its wisdom should act in such haste in proposing a constitutional amendment directed at the prerogatives of five States of the Federal Union, and in the same amendment include language which casts a cloud upon the validity of laws of other States of the Union. Is it sensible to direct legislation toward the conduct of five States and in the same breath disrupt the laws of other sovereign States?

In connection with the possible cloud that section 2 of the Holland joint resolution would cast upon State laws relating to registration and voting, and closely interwoven with poll-tax assessments, Senators should reflect upon the action taken by the Subcommittee on Constitutional Amendments on Senate Joint Resolution 25 in the 83d Congress. In reporting a similar Holland joint resolution to the full Judiciary Committee, the subcommittee struck the provisions of section 2 from the joint resolution. If there was then doubt about section 2, that doubt remains today.

Mr. President, what has been the prior history of this proposed constitutional amendment?

In the 81st Congress, the distinguished senior Senator from Florida, for himself and other Senators, introduced Senate Joint Resolution 34 on January 13, 1949. A public hearing was held on the resolution by the Constitutional Amendments Subcommittee of the Committee on the Judiciary on May 18, 1949. On

May 23, 1949, Senate Joint Resolution 34 was reported from subcommittee to the full Committee on the Judiciary. What happened to Senate Joint Resolution 34, Mr. President? On June 2, 1949, Senate Joint Resolution 34 was postponed indefinitely by action of the full Committee on the Judiciary.

In the 83d Congress the distinguished senior Senator from Florida, for himself and other Senators, on January 23, 1953, introduced Senate Joint Resolution 25. More than a year later, on May 11, 1954, a public hearing was held by the Constitutional Amendments Subcommittee on Senate Joint Resolution 25. On May 13, 1954, that resolution was reported from subcommittee to the full committee, with no action taken by the full Committee on the Judiciary.

In the 84th Congress the distinguished senior Senator from Florida, for himself and other Senators, introduced Senate Joint Resolution 29 on January 26, 1955. More than a year later, public hearings were held by the Subcommittee on Constitutional Amendments in April 1956; and on June 14, 1956, Senate Joint Resolution 29 was reported from subcommittee to the full committee. The full committee, in its wisdom, took no action on Senate Joint Resolution 29.

In the 85th Congress the distinguished senior Senator from Florida, for himself and other Senators, on January 17, 1957, introduced Senate Joint Resolution 33. The Subcommittee on Constitutional Amendments took no action during the 85th Congress on this resolution.

Mr. President, in the past 10 years the Committee on the Judiciary has had ample opportunity to consider and study the proposed constitutional amendment which is before the Senate today. During that 10-year period the Senate Committee on the Judiciary could have, in its judgment, reported a constitutional amendment to the Senate for consideration. In this 10-year period the Judiciary Committee did not report such a resolution, and, as a matter of fact, in the 81st Congress, as previously mentioned, the committee actually postponed further consideration of this proposal.

It is worthy of mention that each year that this amendment was introduced in this 10-year period it was always introduced at the commencement of a session of a Congress. Yet this time, it was introduced at a late hour in the 1st session of the 86th Congress.

I submit, Mr. President, that the Senate could well abide by the wisdom exercised by the Committee on the Judiciary in the past 10 years, and refrain from taking any action on this resolution, but rather leave it up to the five remaining States themselves to take the necessary action sought by this proposed constitutional amendment.

I desire to advert for a moment to the provisions of the Mississippi constitution pertaining to the payment of poll taxes. That provision is contained in the Constitution of 1890 and is section 243, which reads as follows:

SEC. 243. A uniform poll tax of \$2, to be used in aid of the common schools, and for no other purpose, is hereby imposed on every inhabitant of this State, male or female, between the ages of 21 and 60 years, except

persons who are deaf and dumb or blind, or who are maimed by loss of hand or foot; said tax to be a lien only upon taxable property. The board of supervisors of any county may, for the purpose of aiding the common schools in that county, increase the poll tax in said county but in no case shall the entire poll tax exceed in any 1 year \$3 on each poll. No criminal proceedings shall be allowed to enforce the collection of the poll tax.

This section of the Mississippi constitution requires the payment of a poll tax without regard to voting qualifications. Every citizen not within the exceptions stated in the section is required to pay the tax whether he or she votes or not.

Section 206 of the Mississippi constitution provides for the creation of a common school fund sufficient to maintain the common schools for a term of 4 months, which common school fund sufficient to maintain the schools for 4 months is to "consist of the poll tax to be retained in the counties where the tax is collected, and a State common school fund to be taken from the general funds in the State treasury." It further provides that any county may levy additional taxes to maintain its schools for a longer term than 4 months.

Section 241 of the Mississippi constitution enumerates the qualifications of voters, one of which is the requirement that all poll taxes shall have been paid for the 2 preceding years, provided the person has had an opportunity to pay the tax. The \$2 poll tax required to be assessed and collected by the counties helps make up the funds provided for the maintenance of the schools for 4 months. Additional taxes collected by the county may include \$1 per capita poll tax, which levy, with any additional property taxes the county may impose, goes into its own school fund. The State helps to provide the funds up to the amount necessary to maintain the schools for 4 months. Beyond that the county itself assumes the burden.

Section 9744 of the Mississippi Code makes all taxes a lien upon the property assessed. Section 9746 makes every lawful tax a debt against the owner of the property or the person or corporation owning the business or profession upon which the tax is imposed.

In dealing with poll taxes, section 243 of the Mississippi constitution provides that the poll tax shall be a lien only upon taxable property. It would thus appear that there are no harsh provisions for the assessment and collection of poll taxes. The tax is required of only those who presumably are able to pay it without its being a burden. Persons above the age of 60 years are exempted as are persons who are deaf, or dumb, or blind, or maimed by loss of hand or foot. The tax being a lien only upon taxable property, persons not owning taxable property—that is, property above his exemption—do not have to bother to pay the tax. Persons who are denied the right to vote because of their failure to pay poll taxes, are persons under the age of 60 who are not deaf, dumb, or blind, and have not suffered the loss of a hand or a foot.

In the event the constitutional amendment were adopted prohibiting the

States from making the payment of poll taxes a qualification for electors, the amendment would relieve no citizen of Mississippi of the obligation to pay the poll tax. It is a legitimate and proper tax imposed for the support of public schools. It should be kept in mind that so far as Mississippi is concerned poll taxes have to be paid by every voter regardless of sex, or color, race, or previous condition of servitude. All must pay it except those who come within the exemptions. There is no discrimination. All are treated alike, as the payment is required of all. In the event of the enactment of this constitutional amendment, so far as it affects Mississippi, the poll tax is a requirement for all within the class to pay. It would prohibit the payment of a poll tax being used as a requirement for voting.

In summary, it can be stated that our Constitution, as adopted in 1787, placed no limitations upon the power of the States to prescribe the qualifications for their voters. However, since the adoption of the Constitution, two limitations have been written into the Constitution by constitutional amendments. The 15th amendment prohibited the States from denying the right of a citizen to vote on account of race, color, or previous condition of servitude. The 19th amendment took away the power of the States to exclude persons on account of sex.

These constitutional amendments proposed to the people by the Congress and ratified by the States recognized that there were no limitations in the original Constitution on the power of the States to prescribe whatever qualifications for voters they might impose. Prior to the 15th amendment the States could exclude from voting persons of specified race or color, or previous condition of servitude. After the adoption of the 15th amendment, the States could not so limit the right to vote for those reasons. Prior to the 19th amendment the States could exclude women from voting. After the adoption of the 19th amendment, the States had to treat men and women alike for voting purposes.

Thus, despite the enactment of these two constitutional amendments, the States are still free to prescribe whatever qualifications they see fit to require of voters, except that persons may not be denied the right to vote because, first, of their race, color, or previous condition of servitude, or second, because of sex. These are the only limitations presently existing on the power of the sovereign States to prescribe their qualifications for electors.

I submit that a constitutional amendment such as here proposed, which would deny to the States the right to make payment of a poll tax a qualification, would be a far more disturbing invasion of the rights of the States than were the 15th and 19th amendments, because this proposed amendment goes to the very heart of the right of a State to prescribe the qualifications for all voters. The 15th and 19th amendments did not affect the qualifications of voters in general. They did not change the qualifications the voters had to meet. They did not take away any right the States had to prescribe qualifications for existing voters;

but, the amendment now proposed would limit the right of the States as to all voters. This would constitute a precedent for the Federal Government to take over all the powers of the States to prescribe the qualifications of their electors. It is a step toward a centralized Federal Government at the expense of the powers and qualifications traditionally reserved to the States.

Mr. President, I submit that it is far more desirable to let the five remaining States which still impose a poll tax to act through their own legislatures rather than to have the National Government, through a constitutional amendment, whittle away the sovereignty of the individual States.

Mr. President, that is all I intend to say today, but I wish to give notice that before this debate is over I am going to have much more to say on this question. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. Mr. President, yesterday the distinguished junior Senator from Virginia [Mr. ROBERTSON] addressed himself to the proposed amendment of the Senator from New York [Mr. JAVITS], which would seek to abolish, by statute, the poll tax in the several States. The address of the Senator from Virginia was so masterful and so destructive of the arguments presented in behalf of the Javits amendment that I shall address myself more particularly at this time to the proposed amendment offered by the Senator from Florida [Mr. HOLLAND], which amendment embodies a proposed amendment to the Constitution to abolish the poll tax.

There is far more at issue in this debate than the poll tax. Those of us who oppose the proposal to abolish the poll tax do so because of a deep concern for the Constitution of the United States and the preservation of our Federal system of government.

As we all know, the poll tax is a diminishing phenomenon. It is levied in only 5 of the 50 States. The rates are uniformly moderate, and its influence on the size of the electorate is too insignificant to be measured.

Let me interpolate to say that the poll tax in the State of Alabama is only \$1.50 a year, and it cannot go back for more than 1 year. In other words, the full amount anyone might have to pay to vote would be \$3. If he failed for 1 year to pay his poll tax, the next year he would pay \$3, but the very maximum amount he would have to pay, even if he were in default for many years, would be only \$3. The regular poll tax is only a dollar and a half. I emphasize that every dollar derived from the poll tax is earmarked for our public schools, and goes for the education of the youth of Alabama. This is a tax for educational purposes.

Yet we are asked to consider an amendment to the Constitution of the United States in order to deal with this so-called evil, which all the facts show is far more imaginary than real.

My opposition to the proposal is based upon three main points:

First, An amendment further restricting the States powers to determine the qualifications of the electorate would constitute a diminishing of the States remaining powers and functions.

The Founding Fathers provided for the possibility of amending the Constitution, but I am certain that they did not envision the eventuality of amendments which would undermine the very basis of our Federal system of government.

I therefore believe that the proposed amendment offered by the distinguished Senator from Florida [Mr. HOLLAND] contravenes the very spirit and philosophy of the Federal Constitution.

In the second place, on the face of it it is unnecessary. As I have suggested, we are dealing with an artificial issue. At this time poll taxes are so rare and so innocuous that it requires considerable imagination to claim that they serve as any barrier to the exercise of the franchise by anyone.

In the third place, such an amendment is most undesirable. The use of the amendment process should be confined to pressing issues of national import which cannot be handled without changing the Federal Constitution. In the absence of such issues it is incumbent upon us to adhere as faithfully and as diligently as possible to the basic document, the spirit, and the philosophy of our Federal Republic.

It will be recalled that in the early days, and for many years in the history of our country, many of our States required the payment of poll taxes as a prerequisite for voting. Practically all the States had some such qualifications. Some of the States had a much more stringent and burdensome qualification, namely, the ownership or the holding of property.

The poll tax came into being not to restrict suffrage, but as a measure to increase the number of eligible voters by substituting the poll tax for other onerous taxes and stringent requirements.

At the time the Constitution was being written in 1787, most of the States—at least 9 of the 13—had spoken, and had fixed, by their own constitutions, the qualifications of those who should vote for the members of their own legislatures.

What were those qualifications? I should like to sum up, in a few minutes, the qualifications which the original States, which brought the Constitution into being, had themselves prescribed for their voters.

First, let us look at the small, but great, State of New Hampshire, from which some of the minutemen came in the early days, the State which gave us Daniel Webster. Before this debate is concluded, I shall perhaps refer to some of Mr. Webster's great speeches on the Constitution.

The men from New Hampshire fought the battles of the Revolution in order

that the Constitution might be born, that the rights of the States might be safeguarded, and, most of all, that the power might reside in the hands of the people, and not in a central, arbitrary government. This, indeed, is what the minutemen died for—the boys from the hills and mountains of New Hampshire.

What were the qualifications in New Hampshire? A voter had to be a freeholder. He had to own property; he had to own real estate. But the qualifications in New Hampshire did not stop there. They went further, and what do Senators suppose a voter had to do? He had to pay a poll tax, the very tax we are discussing now. Voters in New Hampshire had to pay a poll tax at the time the Constitution of the United States was being written.

The next State in the list is the State of the granite hills, the beautiful little State of Vermont, a State whose sons also played a heroic part in the War of the Revolution. When the Constitution of the United States was being drafted, in order to vote in Vermont a man otherwise eligible to vote—in order to meet the prerequisite—had to be a freeholder. He had to own property.

The next State is the great old Commonwealth of Massachusetts, the State of Samuel Adams, John Hancock, John Adams, John Quincy Adams, Dr. Warren, and the other great heroes of the Revolution. In order to vote in Massachusetts the requirement was that one must own a freehold with an annual income of 3 pounds, or an estate of 60 pounds. One had to be a property owner in order to vote in Massachusetts. That State did not let one off with paying a poll tax of a dollar or a dollar and a half; a voter had to be a property owner.

In the great Empire State of New York the voter had to be a freeholder of 20 pounds, paying rent of 40 shillings. He had to have a freehold of 100 pounds in order to vote for State senator. They seemed to prescribe a greater prerequisite for voting for State senator than for members of the most numerous branch of the legislature, which meant they prescribed a greater prerequisite for voting for State senator than was required for voting for a Member of the Federal Congress.

In New Jersey one had to own an estate of 50 pounds; he had to be a property owner.

In Pennsylvania the voter had to be a State or county taxpayer.

In Delaware the citizen in order to exercise the right to vote also had to be a State or county taxpayer.

In Maryland the voter had to be a freeholder of 50 acres, or have property worth 30 pounds.

In North Carolina the voter had to own a freehold of 50 acres in a county, and must have owned it for 6 months before the election. It was also a requirement that the voter had paid his public taxes. If the citizen had not paid his public taxes he could not vote. In other words, he not only had to own the property, but he had to pay all the taxes on the property, and if he was in any way delinquent in the paying of his taxes, he could not vote.

In South Carolina the voter had to be a freeholder of 50 acres or a town lot, or he had to pay taxes equal to the tax on 50 acres. That is, if the voter did not own 50 acres, he must, as a requirement for voting, have paid a tax equal to the tax on 50 acres.

In Georgia the voter had to own property in an amount of 10 pounds, or have a trade as a mechanic, or be a taxpayer.

The State of Kentucky was not one of the Thirteen Original States. It was one of the first States to be admitted into the Union, however, after the adoption of the Federal Constitution. It came into the Union in 1792, only 3 years after the formation of the Federal Government. In order to be a voter in Kentucky, a citizen had to be a taxpayer.

In Tennessee, which was admitted shortly thereafter, a voter had to be a freeholder.

Mr. President, these were the qualifications of electors when Kentucky and Tennessee were admitted into the Union shortly after the adoption of the Constitution.

These were the qualifications the States prescribed respecting their electors when the Constitution was being drafted in Philadelphia, when the delegates from the States were busy writing that document at the Constitutional Convention.

Thus, in the debates at the Constitutional Convention, as reported by Elliott, we find James Madison, who had such a major part in writing the Constitution that we commonly refer to him as the father of the Constitution, suggesting that there be a definite statement of qualifications placed in the Constitution, and expressing the opinion that the freeholders of the country—landowners—would be the safest depository of republican liberty.

The delegates to the Constitutional Convention knew what the States qualifications were, and therefore when they wrote into the Constitution that the qualifications for electors for Members of the House of Representatives should be the qualifications for the electors for the most numerous branch of the State legislatures, they knew exactly what they were doing.

They knew what those qualifications were in the 13 States. As we recall under the original Constitution Senators were elected by the members of the State legislatures. We also recall that when we provided in the 17th amendment, which was adopted in 1913, for the direct election of Senators, rather than their election by the State legislatures, there was written into the 17th amendment the same provision, namely, that the qualifications for electors for U.S. Senators should be the qualifications prescribed by the States for electors for the most numerous branch of the State legislatures.

We must recall that in 1787 when the Constitution was written the States were absolute sovereigns. They had joined in the Declaration of Independence. They had proclaimed their independence of the British Crown. They had fought through 8 long, terrible, and bloody years to win their independence, and

they stood absolutely independent and free from any other sovereignty on this earth. Their own sovereignty was full, complete, and absolute.

So they gathered in Philadelphia in their sovereign capacities, through their delegates, to write the Constitution of the United States. The question was, How much of their sovereignty would they yield to the Federal Government? The Federal Government was not in being; it had no existence; it had no sovereignty. The only sovereignty the Federal Government could have would be such sovereignty as was granted it by the sovereign States of that time.

Anyone who is at all familiar with the history of the writing of the Constitution, anyone who has taken the time to read Mr. Madison's notes on the Constitutional Convention and what transpired in that Convention when the Constitution was being written, knows how jealous were the several States of their sovereignty and how reluctant they were to yield very much of that sovereignty to any federal government.

Mindful of their sovereignty, zealous and determined, insofar as possible, to keep within their own hands as much of their sovereignty as they possibly could, and still have a federal government to meet the problems which had to be met by a central federal government, what did they do? They provided that every State should have two Senators—two Members in this body—no matter how large or how small the State might be, no matter what its industrial development might be, no matter what its financial development or its agricultural development might be. No matter what might be the status of a State in its power, its influence, its ability to influence other States and other persons in other States, every State in the United States should have equal representation in the Senate, it should have two Senators—its own two Senators. Then, as will be recalled, the delegates to the Convention went one further step, and provided that no State should have its representation in this body reduced or taken away from it without its consent. This meant that no matter how small the State might be, how weak, how ineffective, how unimportant it might be, it would have equal representation in this body; it would have two Senators along with the two Senators of the most powerful, the wealthiest, and the greatest State of the Union.

It was in this spirit of jealous regard for their rights and determination to secure the primary authority of the States in the Government, that the question of qualifications of electors was considered and debated.

When we consult Madison's notes we find that there were three schools of thought in the Constitutional Convention with reference to the matter of qualifications of electors to vote for Members of Congress.

One school of thought felt that the qualifications should be prescribed in the Constitution itself.

The second school of thought felt that the qualifications should be left to Congress; that the Constitution should pro-

vide that the Congress should have the power to prescribe the qualifications.

The third school of thought, which, as we know so well, prevailed in the Constitutional Convention, was that the qualifications for the electors should be those fixed by the States for the most numerous branch of the State legislature.

That provision, as we know, is section 2, article I, of the Constitution of the United States.

We find in Mr. Madison's notes, as compiled by Mr. Jonathan Elliot, and published by J. B. Lippincott in Philadelphia in 1907, in volume V, page 385:

Mr. Gouverneur Morris, of Pennsylvania, moved to strike out the last member of the section, beginning with the words "qualifications of electors," in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.

In other words, Gouverneur Morris not only wanted the Constitution to fix the qualifications for the electors but he wanted at least one of those qualifications to be that the elector should be a freeholder, that he should own property. So Gouverneur Morris moved to amend the proposal to write in the qualification that the electors should be freeholders.

Mr. Fitzsimons seconded the motion.

Mr. Williamson was opposed to the motion.

Mr. Wilson, who was also, incidentally, from the State of Pennsylvania, and was one of the ablest men, as we know, in the Convention, and one of the ablest of the Founding Fathers, then rose to speak.

Before I read what the different delegates said, I should like to call the attention of the Senate to the committee which proposed the provision in section 2, article I, of the Constitution—the section to which I have just referred—which is the section dealing with the qualifications of voters. The committee was termed, in the language of the Constitutional Convention, "the committee of detail."

The committee of detail was composed of Mr. Rutledge, of South Carolina; Edmund Randolph, of Virginia; Nathaniel Gorham, of Massachusetts, who was chairman of the Committee of the Whole; Oliver Ellsworth; and James Wilson, of Pennsylvania. John Rutledge, as we recall, was offered a place on the first U.S. Supreme Court, and was afterward appointed Chief Justice of the United States. Edmund Randolph, we recall, was George Washington's first Attorney General. Later Oliver Ellsworth was Chief Justice of the United States, and James Wilson was a member of the President's Cabinet.

Where could there have been found at that time in all the world, or where could there be found today or at any other time in all the world, a committee of abler or more distinguished lawyers and students of government, or more capable political draftsmen than the men who constituted the committee which wrote section 2 of article I? Where could a more brilliant galaxy of stars in the field of statesmanship be found than these great lawyers, students of the

philosophy of government, students of human nature, men of commonsense and wisdom, who constituted the committee which wrote section 2 of article I?

I was about the read that after Gouverneur Morris moved to amend the committee provision leaving to the States the fixing of the qualifications for electors of Members of Congress, so as to require that the electors be freeholders, or so as to make sure that they were property owners before they could vote for Members of the House, Mr. Fitzsimons seconded the motion. Mr. Williamson opposed it. Then Mr. Wilson, of Pennsylvania, one of the ablest men who sat in that Convention, rose and made this observation, according to Madison's notes:

This part of the report was well considered by the committee, and he [Mr. Wilson] did not think it could be changed for the better. It was difficult to form any uniform rule of qualifications for all the States. Unnecessary innovations, he thought, too, should be avoided.

When I quote that language about unnecessary innovations, I come back to my statement of a few minutes ago, namely, that Mr. Wilson and the other delegates who had gathered to write the Constitution knew exactly what qualifications were fixed by their own State constitutions. So when Mr. Wilson was speaking about no innovations, he was, impliedly, at least, making a plea for the qualifications fixed in his own State of Pennsylvania and fixed by the constitutions of the other Original States.

Mr. Wilson went on to say:

It would be very hard and disagreeable for the same persons, at the same time, to vote for representatives in the State legislature and to be excluded from a vote for those in the National Legislature.

All of us have many times been in polling booths to vote. We know that the words spoken by Mr. Wilson not only were true in 1787, but they are just as true today. Can Senators imagine the disorder, the confusion, and the uncertainty that would be thrown around the exercise of a right which is the most sacred right, perhaps, possessed by any American citizen—the right to the ballot—if there were one set of qualifications for electors for Members of Congress, President, and Vice President, and if there were another set of qualifications for electors of State legislatures and State officers?

Mr. LONG of Louisiana. Mr. President, at this point will the Senator from Alabama yield for a question?

Mr. HILL. I yield to my distinguished friend from Louisiana.

Mr. LONG of Louisiana. In line with the able argument the Senator from Alabama is making, he will concede, will he not, that the Congress does have power to propose, as a constitutional amendment, that the qualifications of voters be fixed by a means different from that used in fixing the qualifications of electors of the State legislatures; and that if the legislatures of three-fourths of the States ratified such a constitutional amendment, it would be effective?

Mr. HILL. Of course, under the Constitution the Congress has the power to

propose any kind of constitutional amendment—either a wise one or a foolish one; and if such an amendment, whether wise or foolish, were proposed, and if the necessary measure were passed by two-thirds vote of both Houses of Congress, and if the proposed constitutional amendment were ratified by the legislatures of three-fourths of the States, then, as the Senator from Louisiana knows, under the Constitution such a provision would become part of the Constitution.

Mr. President, while I do not believe that the very practical question raised by Mr. Wilson was the controlling one in the drafting of article I, section 2, those men, being men of commonsense, men with a keen, profound knowledge of human nature and the ways of people and of events, were undoubtedly persuaded by the consideration of how impractical it would be to have varying qualifications for the different electors.

After Mr. Wilson made his statement, Gouverneur Morris, the author of the motion rose. I read further from Madison's notes:

Such a hardship—

That is, being a freeholder or the owner of property, because that is what his motion provided as a qualification—would be neither great nor novel. The people are accustomed to it, and not dissatisfied with it, in several of the States. In some, the qualifications are different for the choice of the Governor and of the Representatives; in others, for different houses of the legislature. Another objection against the clause as it stands is that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper.

He was unwilling to recognize this right in the State. Mr. Morris was unwilling that this power should continue to be vested in the State. He wanted it in the Federal Government.

Mr. LONG of Louisiana. Mr. President, at this point will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. LONG of Louisiana. Has not the freeholder requirement been almost completely eliminated?

Mr. HILL. Yes; just as has the poll tax.

Mr. LONG of Louisiana. It is retained in some cases in bond issue elections.

Mr. HILL. However, as the Senator from Louisiana says, it has been largely eliminated.

Mr. LONG of Louisiana. Has that been done by action taken by the States?

Mr. HILL. Certainly.

Mr. LONG of Louisiana. Not by action by the United States?

Mr. HILL. No; not at all by action by the United States, but by action taken by the several States, in the exercise of their own State sovereignty—just as I have said the poll tax has been eliminated in all but 5 of the 50 States, and that has been done by the States, in the exercise of their own State sovereignty.

As I have stated previously, the truth is that today the poll tax is what we might term a diminishing phenomenon;

and I have pointed out that in my State it amounts to only \$1.50, and every penny of it goes to the schools, for the education of our youth.

Then Mr. Ellsworth, of Massachusetts, rose and said that he thought the qualifications of electors stood on the most proper footing. Note this language:

The right of sovereignty was a tender point and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution if it should subject them to be disfranchised.

He was arguing against Mr. Morris' motion to make the ownership of a freehold a qualification.

The States are the best judges of the circumstances and temper of their own people.

Notice that language. The States—the people back home, the people who gather in the State capitols, the people who go to the ballot boxes back in the hamlets, the communities, and the crossroads—"are the best judges of the circumstances and temper of their own people." Would anyone dispute that today?

Mr. Butler, a delegate to the constitutional convention, made this significant statement:

There is no right of which the people are more jealous than that of suffrage.

Thus emphasizing, fortifying, and reaffirming the idea that the determination of the qualifications of electors should remain in the hands of the people of the States.

After all, Mr. President, it is only by means of the right of suffrage that the people are able to maintain their power, their authority, their sovereignty over their government. If the people's right of suffrage were to be taken from them, no longer would there be government of the people, by the people, and for the people.

Mr. President, I shall read from the statement of Mr. Dickinson. He was a gentleman of rather reactionary views; but I think we should have his views, since we are studying this whole subject. Mr. Dickinson had a very different idea with regard to the tendency toward vesting the right of suffrage in the freeholders of the country. He considered them as the best guardians of liberty, and the restriction of the right to them "as a necessary defense against the dangerous influence of those multitudes, without property, and without principle, with which our country, like all others, will in time abound." He very strongly favored the writing in of a qualification that electors must be property owners.

In reply to Mr. Dickinson, Mr. Ellsworth had this to say:

How shall the freehold be defined? Ought not every man who pays a tax vote for the representative who is to levy and dispose of his money? Shall the wealthy merchants and manufacturers who will bear full share of the public burden be not allowed a voice in the imposition of them? Taxation and representation ought to go together.

On the question as to whether a freehold or property ownership should be prescribed as a qualification, Mr. Madison

son, being a very wise and very practical man, expressed the view that that might well be determined upon the question as to how such a qualification would be received back in the States.

Mr. ROBERTSON. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield to my distinguished friend, the Senator from the great State of Virginia, which gave to the Nation the great James Madison. On yesterday, the Senator from Virginia made in this Chamber a speech which was so masterful that I did not hesitate to say that I felt that if Mr. Madison and some of the other Founding Fathers from Virginia could then have been in the Senate galleries, they would have been proud of the Senator from Virginia. So I take pleasure in yielding to him.

Mr. ROBERTSON. Mr. President, my kind friend from Alabama gives me praise beyond my just due.

I wish to commend him for the emphasis he is placing on two facts:

First. Those who framed the Constitution, in Philadelphia, were better prepared than anyone else to say to the ratifying conventions—as the Senator from Alabama has mentioned—what was meant, what was intended.

Second. Congress should never for a moment overlook the fact that we would not have had a Federal Union, under our present Constitution, if positive assurance had not been given not only by those whom the Senator from Alabama has named, but also by Alexander Hamilton that the sovereignty of the States would not be unduly impinged.

Mr. HILL. That is correct. I shall quote Hamilton a little later.

Mr. ROBERTSON. I am sure the Senator will. Under no circumstance did anyone ever think about taking from the States the right to determine the qualifications of their voters. They referred to it as a tender subject.

I very highly commend the distinguished Senator from Alabama for his excellent service today in bringing this matter to the attention of the Senate—and I hope those who have not been present will read what he is saying before we vote—emphasizing that we would not have had any Union if this right had not been reserved to the States. We do not know how long we can preserve the Union if the Congress usurps the function of amending the Constitution by an act of Congress, and takes from the States first the right to determine the qualifications of voters, and then opens the door for any change in voter qualifications a bare majority of a Congress may, for political expediency, wish to make in some subsequent year.

Mr. HILL. I thank my distinguished friend, the Senator from Virginia, for his very timely and able contribution. What he has said is absolutely true. The men who sat in the Convention, who engaged in the debates in the Convention, who engaged in the actual drafting of the Constitution, knew best of all, knew far better than any who should come after them, what their intent and purposes were in writing the Constitution. As the Senator has said, we would never have had any Federal Constitution, we would never have had a Federal

Government, if the view had not prevailed that the qualifications of the electors should be left to the several States.

The Senator from Virginia spoke of Alexander Hamilton. Mr. President, I am delighted he alluded to him, because in the 60th Federalist, Mr. Hamilton defended the Federal Constitution against the charge that it favored the rich. That charge had been made against the Constitution. His remarks on this subject are very pertinent to the issue before us. I now quote from Mr. Hamilton.

The truth is—

He wrote—

that there is no method of securing to the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect or be elected. But—

Went on Mr. Hamilton—

this forms no part of the power to be conferred upon the National Government.

Mr. Hamilton added:

Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the legislature.

Unalterable by the Congress.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. HILL. I yield to my distinguished friend from Virginia.

Mr. ROBERTSON. In other words, we know the 13 States that ratified the new Constitution all had some restrictions on suffrage and most of them had property restrictions, as did Virginia originally. So the charge was made that perhaps when the new government would be formed it would move into that field, and that only the rich would be able to vote, and that they would vote into power a government favorable to the interests of the rich.

Mr. HILL. That is correct.

Mr. ROBERTSON. Alexander Hamilton said, "Do not worry about that. The Federal Government can never invade that field, because we have left it exclusively to the States."

Mr. HILL. The Senator is exactly correct in his interpretation of what Alexander Hamilton said. That will be clear to anyone who takes the time to read his words. He said that the Federal Government will never invade that right, that it is a right left exclusively, as the Senator from Virginia has said, to the several States.

What happened, Mr. President? The Committee on Detail, on August 6, 1787—and, as I have stated, the Committee on Detail was the special committee for the drafting of the Constitution—recommended that—

The qualifications of the electors shall be the same, from time to time, as those of the electors of the several States, of the most numerous branch of their own legislatures—

This, of course, is a provision of section 2, article I, of the Constitution.

What happened? When that committee made the recommendation, a motion was made to prescribe in the Constitution the qualification of possessing

a freehold; and that motion was voted down. What was the vote on that motion? It was voted down by a vote of 7 to 1. Only one State voted for the motion, and that was the little State of Delaware. Delaware voted "aye." New Hampshire, Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, and South Carolina voted "no."

Mr. President, the thinking of the men who wrote our Constitution is found not only in the debates held in the Constitutional Convention, but also in the writings of those who participated in it.

We know that Thomas Jefferson was not a member of the Constitutional Convention that wrote the Federal Constitution, because he was at that time our Minister to France, but he was in very close touch with the delegates to the Convention. We know that he had no closer ally or friend than James Madison, Father of the Constitution.

We speak of Washington as the Father of our Country—which he was. I think we might speak of James Madison as the Father of the Constitution. I think we might well say that Thomas Jefferson was the great prophet of American democracy.

In Mr. Jefferson's draft of a proposed constitution for Virginia, the State of my distinguished colleague [Mr. ROBERTSON], which was written in June 1776, while Mr. Jefferson was serving as a Member of the Continental Congress in Philadelphia, Jefferson suggested in his draft:

All male persons of full age and sane mind, having a freehold estate in (one-quarter of an acre) of land in any town or in (25) acres of land in the county, and all persons resident in the Colony who shall have paid scott and lot to Government the last (2 years) shall have right to give their vote for the election of their respective representatives.

He proposed that language for the Virginia constitution; but, on the other hand, when it came to the writing of the Federal Constitution, he violently opposed there being any provision of this sort prescribed in the Federal Constitution.

I quoted a little while ago from Alexander Hamilton.

As we know, one of the greatest minds of that period, beginning with the War of the Revolution and coming on down through the Articles of Confederation, and the drafting of the Federal Constitution, and even in the administration of the Federal Government in the early days of George Washington, was the brilliant, profound, magnificent mind of Alexander Hamilton. Perhaps this country has never known a more penetrating or more incisive mind than that of Alexander Hamilton. As we know, Hamilton was not a democrat, and I am using the word with a little "d." He did not believe in, he did not have faith in, the capacity of the people to govern themselves. He believed in a strong Central Government. He thought it was necessary to have central, arbitrary power concentrated in the Government in Washington. He went so far that many speak of him as a monarchist. Certainly we know that in the plan which he submitted to the Constitutional Convention he provided for life tenure for

the Chief Executive, the President of the United States. As I recall, he provided for certain hereditary rights; for many things that were to be found under the arbitrary central power of the governments of the kings and the monarchies of the nations of Europe.

Mr. Hamilton, writing about the Constitution—and we must remember what his feelings and his views were—had this to say in chapter 52 of *The Federalist*:

I shall begin with the House of Representatives. * * * The first view to be taken of this part of the Government, relates to the qualifications of the electors and the elected.

"The qualifications of electors." He went straight to the very question we are discussing here today, because he knew what the whole question involved, so far as determining what our Government was, and what it would be down through the years. He knew it went to the whole question of our dual system of government, the whole question of the structure of our Government, of a divided authority between the Federal Government and the State governments. The brilliant mind of Hamilton knew what he was talking about. He goes on to say:

Those of the former—

That is, of the House of Representatives—

are to be the same—

That is, the qualifications are to be the same—

with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution.

In other words, the Constitution had to say what these qualifications were, and by whom they would be prescribed. Hamilton then continues:

The provision made by the Convention—

That is the provision now written into section 2 of article I—

The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State—

He said—

because it is conformable to the standard already established or which may be established by the State itself.

This was the leading *Federalist*, this was the outstanding Nationalist in the days of the beginning of our Government proclaiming in his writings in *The Federalist* that this method must be satisfactory to the States, because under the Constitution as written it was left to the States.

Again in the 57th *Federalist* the question was asked. And the writer replied to his own question:

Not the rich, more than the poor; nor the learned, more than the ignorant; nor the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States. They are to be the same who exercise the right in every State of electing the corresponding branch of the legislature of the State.

In the 59th *Federalist* we find this significant statement:

Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power and as a premeditated engine for the destruction of State governments?

In the 60th *Federalist*, Alexander Hamilton expressed fear that elections might be manipulated in the interest of the "rich and the well born." The only way in which this might be done, he wrote, would be by prescribing property qualifications either for those who may elect or may be elected.

But, he added, this forms no part of the power to be conferred upon the National Government.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HILL. I yield to my colleague from Alabama.

Mr. SPARKMAN. Was there any suggestion at any time of the requirement of uniformity in the States?

Mr. HILL. I said earlier that it was suggested the qualifications be written into the Federal Constitution.

Mr. SPARKMAN. I refer to the final result.

Mr. HILL. No. As I said, the suggestion was voted down by a vote of seven to one.

Mr. SPARKMAN. Is it not true that an examination of the statutes of the several States of the Union today shows a great lack of uniformity not only with reference to the subject presently under consideration, the poll tax, but also as to other subjects, such as the length of time a person must live in a State, in a county, or in a precinct; property taxes; and whether the person is a pauper? Some States decline to register paupers. Many other things indicate a great lack of anything like uniformity.

Mr. HILL. The Senator is exactly correct. There were varying requirements to qualify one to be an elector in the several States.

Mr. SPARKMAN. Dependent upon what the States respectively decided?

Mr. HILL. That is correct.

Mr. SPARKMAN. Each State for itself?

Mr. HILL. Each State in its own full and complete and absolute sovereignty made its own decisions as to the qualifications of electors.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from Virginia.

Mr. ROBERTSON. When the junior Senator from Virginia made a rather exhaustive study 11 years ago of the various qualifications he found there was a New England State which absolutely prohibited paupers from registering. I do not like to be invidious about it, but I could name the State.

There was a northwestern State which prohibited those who believed in polygamy from registering. That pro-

vision was no doubt aimed at the Mormons.

Mr. HILL. Yes.

Mr. ROBERTSON. At that time they had not repudiated their belief, or the statute had not been changed.

Those are only two illustrations; many more can be cited to show that each State exercised the privilege left to the States, and to indicate the wisdom of our Founding Fathers when they said, "We are not going to try to write any type of uniformity into this document; we will leave it to the good judgment of the States not to be unfair to themselves in the election of their legislators in order to penalize some Federal official."

Mr. HILL. The Senator is absolutely correct.

Mr. SPARKMAN. Mr. President, will the Senator yield to me once more very briefly?

Mr. HILL. I yield to my colleague and friend from Alabama.

Mr. SPARKMAN. As a matter of fact, commenting upon the statement made by the distinguished Senator from Virginia, I have before me now the work by the Library of Congress, Legislative Reference Service, which all of us have seen, entitled "Qualifications for Voting." I find that in it are listed eight different States that refuse to permit paupers to register.

Mr. HILL. I thank the Senator for that contribution. We know that is absolutely true. There were many different qualifications which the States in the exercise of their own sovereignty prescribed.

As the Senator from Virginia in his magnificent address on yesterday brought out very clearly, there was not only this tremendous regard for the rights of the States and this excessive zeal and jealousy for the preservation of the sovereignty of the States in the Constitutional Convention in Philadelphia which brought forth the Constitution, but also, as we know, the Constitution to be effective, to come into being, had to be ratified by conventions in the several States.

If we turn to the conventions in the several States, we find that great battles raged in most of them over ratification of the Federal Constitution. What was the question? The question was whether the delegates in Philadelphia had given to the Federal Government too much power. The three most powerful States, the three most influential States at that time, were Virginia, New York, and Massachusetts. In their State conventions, because of the fear that the Federal Government might be given too much power, that the States might be lodging too much power in the Federal Government, only 53 percent of the votes in those conventions were cast for ratification. So, since only 53 percent of the votes were cast for ratification, it will be realized that there was a rather close race.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. ROBERTSON. In the calling of the Virginia convention, in order to get as many delegates as possible, it was

stated that all the members of the general assembly were eligible, and that delegates could be elected in addition to that number. Yet out of that group, which constituted nearly all of the political leaders of the State, the vote for ratification was only a majority of nine, and that was primarily due to the influence of George Washington.

Mr. HILL. No doubt if it had not been for the tremendous confidence of the people of Virginia in General Washington, Virginia would not have ratified the Constitution.

As the Senator stated on yesterday, and as I bring to the attention of the Senate today, two of the greatest patriots of the Revolution—Patrick Henry, who sounded the tocsin of war and gave us the battle cry of the Revolution; and George Mason, who wrote the Virginia Bill of Rights—opposed ratification of the Constitution.

As Senators will recall, that great statesman of our time, Woodrow Wilson, said he would rather have been the author of the Virginia Bill of Rights than the author of any document ever penned by the hand of man. That bill of rights is not only the Bill of Rights we find today in the Constitution of the United States, but it is the bill of rights we find in the constitutions of all the several States. It is the great guarantee of the rights of our people.

I have previously discussed the safeguards on which the delegates of the individual States insisted in order to protect their rights and to retain as much as possible of their State sovereignty. After the delegates representing the sovereign States had finished their work of writing the Constitution, putting in all the safeguards to insure the primary authority of the States, they closed the Constitution by writing into it the declaration that the Constitutional Convention acted "by the unanimous consent of the States" present. They wanted the people to know at that time, and wanted all succeeding generations to know, including the Senators sitting here in the year of our Lord 1960, some 173 years after the Constitution was drafted, that it was the sovereign States which had drafted and formulated the Constitution.

As stated a moment ago, two of the foremost patriots of the Revolution, Patrick Henry and George Mason, who had done so much to win our independence from the British Crown, to win our freedom, opposed the ratification of the Constitution. They felt, as did many of their compatriots, that there might be too great a surrender of sovereignty on the part of the States, that there might be too much yielding of power to the Federal Government.

I emphasize these points because the history of the ratification of the Constitution shows clearly that if the sovereignty of the States and the rights of the States had not been positively recognized in the Constitution, if all the safeguards and protections of their sovereignty and their rights had not been put into the Constitution, the Constitution would never have been ratified, and we would never have had a Federal Government.

We know, of course, that mankind has struggled through the centuries to break down arbitrary power. Sometimes it is difficult for us, living in free America, to realize the long struggle of mankind, century after century after century, to break arbitrary power. The high-water mark of the struggle to break down arbitrary power, to bring about the distribution of power, and place it in the hands of the people, was reached when our ancestors fought the American Revolution and broke the power of the British Crown over the people of the then Original Thirteen Colonies or States. The framers of the Constitution knew that the States, with their State governments, county governments, city governments, and town governments, were the citadels of local self-government. They knew that their concept of government by the people required full and plenary recognition of the rights and the sovereignty of the States. If the people were to hold and exercise the power of the Government, there had to be recognition of the sovereignty of the States.

The people were fighting against a pool of centralized arbitrary power at the seat of government. They were fighting to keep the well springs of our system of government in the hands of the people—as I have said, in the local communities, the crossroads, the hamlets, and the towns. What would it have availed the people to break the tyranny of the British Crown had they themselves set up in Washington a Government with central arbitrary power? They were determined, after all the sacrifices they had made, and all their bitter sufferings, to reserve the power in their own hands. I repeat, that to do this they knew that they had to maintain the sovereignty of the States, because within the States and within the States alone, are the citadels of governmental power.

A few minutes ago we were speaking about the State conventions, which met to ratify the Constitution. It is interesting to note that in those State conventions one of the first questions raised—and raised many times—was the very question we are discussing today, the question of section 2 of article I of the Constitution. To bring into being a Federal Union through the Constitution, it had to be ratified by at least nine of the States.

In the Massachusetts convention, there was a "doubting Thomas" by the name of Dr. John Taylor, from the town of Douglass, Mass. He wanted to be very sure about this new Constitution. He wanted to make certain. He was fearful that section 4 of article I, the section with reference to the times, places, and manner of holding elections—not the section with reference to qualifications—might give Congress the power to describe property qualification for voters in the sum, as he expressed it, of 100 pounds. He inquired of Mr. Rufus King, who, as we recall, was a member of the Constitutional Convention in Philadelphia, and was also a member of the Massachusetts State convention, whether under section 4, Congress could in any way go into the question of qualifications.

Mr. King, one of the leading members of the Philadelphia Convention, had this to say:

The idea of the honorable gentleman from Douglass transcends my understanding, for the power of control given by this section—

That is, section 4—

extends to the manner of election, not to the qualifications of the electors.

He made that answer because he knew that the qualifications were prescribed in section 2, and were the qualifications which the States themselves would make.

In the Pennsylvania State convention Mr. James Wilson, who, as will be recalled, had been one of the outstanding men in the Constitutional Convention at Philadelphia, in the writing of the Constitution, made this statement to the State convention:

In order to know who are qualified to be electors of the House of Representatives—

That is, the Federal House of Representatives—

we are to inquire who are qualified to be electors of the legislature of each State. If there be no legislature in the States there can be no electors of them. If there be no such electors, there is no criterion to know who are qualified to elect Members of the House of Representatives. By this short, plain deduction the existence of the State legislatures is proved to be essential to the existence of the general government.

In other words, there must be action by the State legislature to have a Representative in the Federal Legislature.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. ROBERTSON. Of course, that was the assurance given; but to go back to what Mr. Rufus King, a member of the Constitutional Convention, said to the gentleman from Douglass, the gentleman from Douglass wanted to know if, under the Constitution, a property qualification might be required.

Mr. HILL. He said a qualification of 100 pounds.

Mr. ROBERTSON. There was not much inflation in those days. I suppose a hundred pounds was a great deal of money then.

Mr. HILL. It was.

Mr. ROBERTSON. It would not be so much now.

Mr. HILL. No.

Mr. ROBERTSON. King said it transcended his understanding how anyone could be so dumb as to think that the Federal Government would have any control over property tests. Is not that what he said, in effect?

Mr. HILL. Exactly.

Mr. ROBERTSON. He had not read the Javits bill, which seeks to abolish the property test in seven States.

Mr. HILL. The Senator is correct.

Mr. ROBERTSON. In addition to the poll tax. They are all in the same bill. There is no use trying to throw dust in our eyes on the point of the difference between the poll tax and the property test. They are all in the same bill.

Mr. HILL. They go to the same point. One would tax us on one flank, and the other would tax us on the other flank. However, the objective is the same.

Mr. ROBERTSON. They are all in the same bill.

Mr. HILL. They are all in the same bill. As I read a few minutes ago, Mr. King, who had been in the Philadelphia Constitutional Convention, at the writing of the Federal Constitution, had this to say:

The idea of the honorable gentleman from Douglass transcends my understanding—

As the Senator says, in everyday parlance Mr. King could not understand how the gentleman could be so dumb.

Mr. ROBERTSON. That is correct.

Mr. HILL. Mr. King said:

The idea of the honorable gentleman from Douglass transcends my understanding, for the power of control given by this section extends to the manner of election, not to the qualifications of the electors.

I may say to my friend from Virginia that, as we have noted earlier, the question arose in the Virginia convention, and Mr. Nicholas, one of the delegates, had something to say. As I recall, Mr. Nicholas was also a member of the Philadelphia Convention, which wrote the Federal Constitution. Certainly he was a member of the State convention. This is what Mr. Nicholas said:

If, therefore, by the proposed plan, it is left uncertain in whom the right of suffrage is to rest, or if it has placed that right in improper hands, I shall admit that it has a radical effect. But in this plan—

That is, in the Federal Constitution—there is a fixed rule for determining the qualification of electors, and that rule, the most judicious that could possibly have been devised, because it refers to a criterion which cannot be changed.

The Senator from Virginia could not change it, in this Year of our Lord 1960.

Mr. Nicholas went on to say:

A qualification that gives a right to elect representatives for the State legislatures gives also, by this Constitution, a right to choose representatives for the General Government.

The yardstick was prescribed. The yardstick which was fixed by the States should be the yardstick for the election of representatives from the particular States. It was contemplated, as I have stated again and again, that it would be fixed that way, not only because they thought it was the wisest and best way to do it, and not only because they knew if they did not do it that way the Constitution would never be ratified and come into being, but also because they felt that, in doing it that way, it would be fixed for all time to come, and could not, as Mr. Nicholas said, be changed.

I might add that in reading the notes of the Convention, Mr. Nicholas gave the members of the Richmond ratifying convention most positive assurance that the Federal Government could not and never would undertake to pass upon and fix the qualifications of voters.

In North Carolina, Mr. John Steele, who was a member of the ratification convention, wished to make this matter absolutely clear, so there could never be

any question in anyone's mind about what North Carolina was doing when it ratified the Constitution. Here is what Mr. Steele said:

Who are to vote for them?

By that is meant, of course, who are to vote for Members of the House of Representatives and for President and for Vice President. He then said:

Every man who has a right to vote for a representative to our legislature will ever have a right to vote for a Representative to the General Government. Does it not expressly provide—

By the word "it" he means the Constitution, of course—

that the electors in each State shall have the qualifications requisite for the most numerous branch of the State legislature?

Mr. Steele went on to say:

The power over the manner of elections does not include that of saying who shall vote.

Of course, all of us should understand that. Section 2 of article I deals with the "who" of the electors. Section 4 of article I deals with the "how" of the elections.

Mr. Steele went on to say:

The Constitution—

Speaking of the Federal Constitution, of course—

expressly says that the qualifications are those which entitle a man to vote for a State representative. It is, then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way.

The view expressed by Delegate John Steele, in the North Carolina convention, was confirmed by Delegate William R. Davis, who also had been a delegate to the Constitutional Convention in Philadelphia.

The meaning of section 2 of article I was so clear, that the question was not even raised in the conventions of Rhode Island, New Jersey, Delaware, and Georgia; and so far as the reports show, in New Hampshire, Connecticut, and Maryland no question was raised about the section. It was so clear that even a fourth-grade school child on reading it would know what it meant.

Mr. President, with reference to the resolutions adopted by the several States in ratifying the Federal Constitution, we find that in none of those resolutions was any question raised about section 2 of article I. It was so clear that there was no question to be raised. It was *ipse dixit*; it spoke for itself.

However, it is interesting to note that in referring to section 4 of article I, by which certain powers are given to the Congress with reference to the fixing of the times, places, and manner of holding elections, some of the ratifying resolutions did raise questions; and it is interesting to note that in each case where such questions were raised, those States in their resolutions ratifying the Constitution wished to make certain that Congress knew that they felt that Con-

gress should never exercise the power given under section 4 of article I unless the States had failed to function in prescribing the times, places, and manner of holding elections.

South Carolina, in its resolution of May 27, 1788, declared:

And whereas it is essential to the preservation of the rights reserved to the several States and the freedom of the people under the operations of the General Government that the right of prescribing the manner, time, and places of holding elections to the Federal Legislature should be forever annexed to the sovereignty of the several States, this convention does declare that the same ought to remain, to all posterity, a perpetual and fundamental right in the local government, exclusive of the interference of the General Government—

That is, the Federal Government—

except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same, according to the tenor of the said Constitution.

All this shows how jealous the States were, how jealous the people were to preserve to the States and to the people their rights.

In 1865 a congressional joint committee was created to draft the 14th amendment. The chairman of the committee, which was composed of 15 members, was Senator William Pitt Fessenden of Maine. Since Senator Fessenden was in ill health, Senator Jacob M. Howard of Michigan, the ranking member, frequently assumed the chairmanship.

Among members of the joint committee, on the House side, were Roscoe Conkling, of New York; George M. Boutwell, of Massachusetts; Henry T. Blow, of Missouri; and John A. Bingham, of Ohio. Mr. Bingham, I believe, is credited with being the actual draftsman or author of the first section of the 14th amendment. Other members from the House were Justin S. Morrill, of Vermont, and E. B. Washburne, of Illinois. I believe the record discloses that Kentucky had representation in the person of Representative Grider.

In the Senate the first section was discussed by Senator Howard. On May 23, 1865, he had this to say:

The first section of the proposed amendment does not give to either of these classes the privilege of voting. The right of suffrage is not, in law, one of the privileges or immunities thus secured by the Constitution. It is merely the creature of law. It has always been regarded in this country as a result of positive local law.

In other words, where the section speaks of guaranteeing certain privileges and immunities, Senator Howard made it clear that those privileges and immunities did not apply to, had no reference to, and did not in any way include any right of suffrage.

This indicates that in 1865, when the Senate was considering the 14th amendment to the Constitution, the men who were its authors, proponents and advocates held fast to the same proposition in the matter of qualifications of electors which had been expressed and had been so stoutly proclaimed in 1787 by the

framers and authors of the Constitution of the United States.

As to section 2, Senator Howard said—and I am reading now from page 2766 of the Congressional Globe:

This section does not recognize the authority of the United States over the question of suffrage in the several States at all. It leaves the right to regulate the elective franchise still with the States and does not meddle with that right.

In closing the debate, on June 8, and just before the joint resolution was passed upon by the Senate, Senator Howard said, at page 3039 of the Congressional Globe:

We know very well that the States retain the power which they have always possessed of regulating the right of suffrage.

Remember, Mr. President, I am quoting the words of the man who, on this floor, was charged with the responsibility of piloting through the Senate the 14th amendment. In speaking, he was not only speaking for himself, but for the entire committee of 15 members who had worked with him and had jointly with him drafted the 14th amendment.

He proceeded to say:

We know very well that the States retain the power which they have always possessed of regulating the right of suffrage. It is the theory of the Constitution.

Says Senator Howard, speaking for the committee:

That right—

That is, the right of suffrage—

has never been taken from them; no endeavor has ever been made to take it from them, and the theory of this whole amendment is to leave the power of regulating the suffrage with the people or legislatures of the States and not to assume to regulate it by any clause of the Constitution of the United States.

Could any language be stronger than these words I have quoted from Senator Howard, spoken some 77 years after our Government came into being?

On this committee of 15 there was one Democratic Senator who happened to be the Senator from Maryland, Senator Reverdy Johnson. He said:

I suppose that even the honorable Member from Massachusetts (Senator Sumner) will not deny that it was for Massachusetts to regulate her suffrage before 1789; and if it was, she has the power still unless she has agreed to part with it by devolving it upon the General Government. Is there a word in the Constitution that intimates such a purpose?

That is, the purpose of giving such a power to the Federal Government.

Who at that time, in 1787, denied that the State was clothed with the power of prescribing the qualifications for the most numerous branch of the State legislature? * * * The State and nobody else.

The right of choosing the allotted number in each State is to be exercised by such part of the inhabitants as the State itself may designate. Words could not have been adopted more obviously leading to the conclusion that, in the opinion of the writers of *The Federalist*—

Here the Senator was quoting from *The Federalist*, as I should have said—the States were to have the sole right of regulating the suffrage. There is nothing innate in the right of suffrage.

Senator Henry Wilson, of Massachusetts, who later became Vice President of the United States in the second administration of Ulysses S. Grant, said in the close of the debate:

The men who framed the Constitution made those State constitutions; they well knew what the qualifications were.

He added:

Every State constitution provides for electors, prescribes the qualification for suffrage. The laws of the States provided for qualifications of electors. Every State, from the adoption of the State constitution to this hour, has claimed the authority and exercised it to settle the questions pertaining to suffrage. They never supposed that the Federal Government had the power to change it. They never gave that power, and they never intended to give that power.

The issue of voter qualification arose again in connection with the 17th amendment. It will be recalled that that amendment to the Constitution was adopted in 1913. That was 126 years after the ratification of the Constitution of the United States. After 126 years, when the people of the United States saw fit to change their method of electing U.S. Senators, when they desired to have their Senators elected, not by the legislatures, as provided in the original Constitution, but directly by the people themselves, what did they provide? They provided, in the 17th amendment, as follows:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote.

Then there is this language:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The people adopted the same identical language for the qualification of electors for the U.S. Senate which was adopted for electors for Members of the House of Representatives at the very beginning. In other words, they ratified and reaffirmed the wisdom of the Founding Fathers and of the original States in providing that the qualifications of the electors for Members of the Congress should be the qualifications requisite for electors of the most numerous branch of the State legislatures. I think it can be said here that had the 17th amendment made any change in the fixing or determination of those qualifications, it would never have been ratified by the people of the United States. The people were determined that these qualifications should remain, to be fixed by the States.

Mr. President, I realize, of course, that it is difficult to cite Court decisions in opposing a constitutional amendment. Once such an amendment has been duly adopted, all legal questions are resolved. Yet in this instance I should like to call the Senate's attention to a number of

dicta and legal opinions which support my contention that the proposed amendment contravenes the basic spirit of the Constitution.

One of the great decisions was written by a great Justice of the Supreme Court, at whose feet I was privileged to sit as a student when I was attending law school at Columbia University. I refer, of course, to then Justice and later Chief Justice Harlan F. Stone, of the Supreme Court of the United States.

In 1941, Mr. Justice Stone wrote, as a part of the Supreme Court's opinion in the case of *United States v. Classic* (313 U.S. 299):

Such right as is secured by the Constitution to qualified voters to choose Members of the House of Representatives is thus to be exercised in conformity with the requirements of State law, subject to the restrictions prescribed by section 2 and the authority conferred on Congress by section 4 to regulate the times, places, and manner of holding elections of Representatives.

We look then to the statutes of Louisiana here involved to ascertain the nature of the right which under the constitutional mandate they define and confer on the voter.

Another case to which I call attention is the case of *Minor v. Happersett* (21 Wall. 162), decided on March 21, 1875, a case which the distinguished Senator from Virginia [Mr. ROBERTSON] cited yesterday. In that case the extent of the distinction between the rights of a citizen of the United States and the rights of a citizen of a State with regard to voting was laid down and explained.

Chief Justice Waite of the Supreme Court declared that the fact that the right to vote could not grow out of citizenship alone was clear when one considered who was a citizen of the United States. He said that everyone born here is a citizen of the United States; and therefore if voting depended on citizenship, every child, every pauper, every criminal, every person born here would have the right to vote.

The opinion in this case contained the summary statement:

When the Federal Constitution was adopted, all the States, with the exception of Rhode Island and Connecticut, had constitutions of their own. These two continued to act under their charters from the Crown. Upon an examination of these constitutions we find that in no State were all citizens permitted to vote. Each State determined for itself who should have that power.

Again, in 1915 in the case of *Gwinn and Beal v. U.S.* (238 U.S. 347) Chief Justice White had this to say about the effect of the 15th amendment on State power—page 362:

Beyond doubt, the amendment does not take away from the State governments in a general sense the power over suffrage which had belonged to those governments from the beginning, and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the

general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.

The limitation on the powers of the Federal Government was defined with clarity by the Supreme Court in the case of *Carter v. Carter Coal Co.* (298 U.S. 238) in which the Court said:

The general rule with regard to the respective powers of the National and State Governments under the Constitution is not in doubt. The States were before the Constitution; and, consequently, their legislative powers antedated the Constitution. Those who framed and those who adopted that instrument meant to carve from the general mass of legislative powers, then possessed by the States, only such portions as it was thought wise to confer upon the Federal Government; and in order that there should be no uncertainty in respect to what was taken and what was left the national powers of legislation were not aggregated but enumerated—with the result that what was not embraced by the enumeration remained vested in the States without change or impairment. Thus, "when it was found necessary to establish a National Government for national purposes," this Court said in *Munn v. Illinois* (84 U.S. 113, 124), "a part of the powers of the States and the people of the States was granted to the United States and the people of the United States. This grant operated as a further limitation upon the powers of the States, so that now the governments of the States possess all the powers of the Parliament of England, except such as have been delegated to the United States or reserved by the people." While the States are not sovereign in the true sense of that term, but only quasi-sovereign, yet in respect of all powers reserved to them they are supreme—"as independent of the General Government as that Government within its sphere is independent of the States." And, since every addition to the legislative power to some extent detracts from or invades the power of the States it is of vital moment that, in order to preserve the fixed balance intended by the Constitution, the powers of the General Government be not so extended as to embrace any not within the express terms of the several grants or the implications necessary to be drawn therefrom.

It is no longer open to question that the General Government, unlike the States, possesses no inherent power in respect of the internal affairs of the States and emphatically not with regard to legislation. The question in respect of the inherent power of that Government as to the external affairs of the Nation and in the field of international law is a wholly different matter which it is not necessary now to discuss.

Mr. President, I should now like to call the attention of the Senate to a few words to be found in Cooley's *Constitutional Limitations*, eighth edition, Carrington, volume 2. Mr. Cooley, a great and universally accepted authority on the Constitution, declared:

Among the absolute, unqualified rights of the States is that of regulating the elective franchise; it is the foundation of State authority; the most important political function exercised by the people in their sovereign capacity. Whilst "the right of the people to participate in the legislature is the best security of liberty and foundation of all free government," yet it is subordinate to the higher power of regulating the qualifications of the electors and the elected. The original power of the people in their aggregate political capacity, is delegated in the form of suffrage to such persons as they deem proper for the safety of the common-

wealth; *Brightly Election cases (Anderson v. Baker)* (32, 33, 34, 23 Md. 531)).

Every constitution of government in these United States has assumed, as a fundamental principle, the right of the people of the State to alter, abolish, and modify the form of its own government according to the sovereign pleasure of the people. In fact, the people of each State have gone much further and settled a far more critical question by deciding who shall be the voters entitled to approve and reject the constitution framed by a delegated body under their direction (1 Story, *Constitution*, ch. 9, sec. 581).

Then Mr. Cooley says:

From this it will be seen how little, even in the most free of republican governments, any abstract right of suffrage, or any original and indefeasible privilege, has been recognized in practice (*ibid.*). In no two of these State constitutions will it be found that the qualifications of the voters are settled upon the same uniform basis, so that we have the most abundant proofs that among a free and enlightened people convened for the purpose of establishing their own forms of government and the rights of their own voters the question as to the due regulation of the qualifications has been deemed a matter of mere State policy, and varied to meet the wants, to suit the prejudices, and to foster the interests of the majority.

The exclusive right of the several States to regulate the exercise of the elective franchise and to prescribe the qualifications of voters was never questioned.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. ROBERTSON. Is it not true, may I ask of the distinguished Senator from Alabama, who studied law under that great jurist, Harlan F. Stone, that in all his study of this vital constitutional question, which he is so ably discussing today, he has never found a court decision or a commentator on constitutional law, such as Mr. Cooley, whom he has just quoted, who has held otherwise than that under the Constitution the qualifications of electors are absolutely under the control of the States, subject to the limitation that there cannot be one test for the members of the most numerous body of the State legislature, and a different test for Federal officials?

Mr. HILL. It must be the qualifications prescribed by the States for the members of the most numerous branch of the State legislature, and there is not one authority to be found anywhere in the court decisions, or among the students of our constitutional system or any writer on constitutional government, which in any way dissents from that proposition.

Mr. ROBERTSON. As the distinguished Senator from Alabama has pointed out, Mr. Nicholas told the Virginia convention that this principle was so permanently and positively imbedded in the Constitution that it could never be changed.

Mr. HILL. That is exactly what Mr. Nicholas told the Virginia convention; and the Senator from Virginia, who is a great student of the history of Virginia, has told us how close the vote was in that constitutional convention, held in

Richmond, Va., on the question of whether the State of Virginia would ratify the convention. Undoubtedly, but for the very able, positive, definite, clear, unequivocal assurance given to the convention by Mr. Nicholas, the Virginia convention would not have ratified the Constitution.

Mr. ROBERTSON. With all due deference, they asked him a little more than that. They said, "In addition to that assurance, will you put into the Constitution this amendment: That all powers not delegated to the Federal Government nor prohibited to the States shall be reserved to the States or to the people thereof?"

In other words, they had spelled out what the Federal Government should do, and they wanted to make it so clear, when James Madison, Nicholas, and others had assured them that the Constitution had left to them the sole control of the qualifications of the electors, that they wanted the 10th amendment to provide that that right shall never be changed.

Yet we are now asked to repudiate Mr. Nicholas.

Mr. HILL. That is correct.

Mr. ROBERTSON. We are asked to repudiate Ellsworth, Madison, Alexander Hamilton; to repudiate everybody who ever said anything about what the Constitution meant; to repudiate all the courts; to repudiate all the commentators on the Constitution; and to vote to change the Constitution in this respect by wiping out not only the poll tax, but also the property requirements of the sovereign States.

Mr. HILL. That is exactly the question before us. Shall we set ourselves up, as the Senator says, to repudiate all those distinguished men who brought this Government and its Constitution into being, and under which we have enjoyed greater freedom, greater independence, and a higher quality of justice than is enjoyed by any other nation and which have built the mightiest nation this world has ever known?

I observe across the aisle our friend, the distinguished senior Senator from Colorado [Mr. ALLOTT]. I pay tribute to him as one of the most profound students in the Senate. He is a great student of the history of our country and a great student of the Constitution of the United States.

Mr. President, Mr. Cooley continues:

The right to vote is not of necessity connected with citizenship. The rights of the citizen are rights, such as liberty of person and of conscience, the right to acquire and possess property, all of which are distinguishable from the political privilege of suffrage.

Senators will notice that Mr. Cooley there departs from the use of the word "right" and uses the word "privilege"; not even conceding that there is any right to suffrage; that it is a privilege conferred by government, and under our Federal system conferred by the States.

The history of the country shows that there is no foundation in fact for the

view that the right of suffrage is one of the "privileges or immunities of citizens."

Mr. President, in opposing the anti-poll-tax resolution, we who oppose it, we who fight so bitterly against it are not only fighting for the protection of the rights of the States, but we are also fighting to save our dual form of government—to save the American Republic.

In the very beginning, article I, section 2, vested in the State governments the power over suffrage. Without the possession of this power in the States, the whole structure upon which the division of State and national authority under the Constitution and the organization of both governments rests would be without support, and the authority of both State and Nation would fall to the ground. Surely, after more than 170 years of the tried and proven wisdom, of the tried and proven effectiveness of this section, it is most unfortunate that now this question, which strikes at the very foundation stones of our dual system of government and which would tear down the very structure of our Government, should be injected into the Senate of the United States. It is no time for the consideration of a matter so serious, so important, so fundamental to the lives, the liberties, and the rights of the people of the United States. The matter should be laid aside and no further consideration given to such a fundamental proposal striking at the very base of the temple of American rights and American freedom.

The poll tax is rapidly losing favor throughout the United States. Today only five States have such a tax. In my own State of Alabama there has been a recent reduction of the tax cumulative feature from 24 years to 2 years. This means that the poll tax can at no time amount to more than \$3. Any contention that a tax in this amount constitutes a real barrier to voting is patently ridiculous.

I do not see any reason why Alabama or the other remaining States which have a poll tax should abolish it before the people of the States have come to the conclusion, without pressure or harassment, that the tax is undesirable or impractical. Meanwhile, I should like to remind my colleagues of the Senate that the poll tax has a long and quite respectable history, that it was supported by England's greatest liberal, John Stuart Mill, and that Judge Thomas M. Cooley, in his work on constitutional law, said:

Many of the States admit no one to the privilege of suffrage unless he is a taxpayer. . . . To require the payment of a capitation (poll) tax is no denial of suffrage; it is demanding only the preliminary performance of public duty, and may be classed, as may also presence at the polls, with registration, or the observance of any other preliminary to insure fairness and protect against fraud (p. 263).

The poll tax may be controversial, but the controversy can by no means be regarded as settled. It can, however, be regarded as academic, since the outcome

will not materially affect the political or economic conditions of any State of the Union.

I suggest, Mr. President, that making this academic issue the subject of a constitutional amendment amounts to belittling that great document, the Constitution of the United States, which owes much of its greatness and timelessness to its authors' uncompromising concentration on essentials.

The resolution before us constitutes yet another step in the recent headlong and heedless rush to further diminish the sovereignty of the States.

Let me recall to the Senate what President Andrew Jackson said in his farewell address:

My experience in public concerns and the observations of a life somewhat advanced confirm opinions long since imbibed by me, that the destruction of our State governments or the annihilation of their control over the local concerns of the people would lead directly to revolution and anarchy and finally to despotism and military domination.

In discussing the necessity for the unity of the United States, Andrew Jackson continued:

But the Constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the General Government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several States bear to one another, as members of one political family, mutually contributing to promote the happiness of each other.

Hence the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of the other States. And they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American Colonies were originally planted; principles which had taken deep root in their social relations before the Revolution, and, therefore, of necessity, influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure; and while it does not interfere with the rights of the people of other States, or the rights of the Union, every State must be the sole judge of the measures proper to secure the safety of its citizens and promote their happiness and all efforts on the part of the people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property, or put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed and must endanger its safety.

Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but everyone, upon sober reflections, will see that nothing but mischief

can come from these improper assaults upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence and deserve your strongest reprobation.

It is well known that there have been those among us who wish to enlarge the powers of the General Government and experience would seem to indicate that there is a tendency on the part of this Government to overstep the boundaries marked out for it by the Constitution. Its legitimate authority is abundantly sufficient for all the purposes for which it was created, and its powers being expressly enumerated, there can be no justification for claiming anything beyond them.

Every attempt to exercise power beyond these limits should be promptly and firmly opposed. For one evil example will lead to other measures still more mischievous; and if the principle of constructive powers, or supposed advantage, or temporary circumstances shall ever be permitted to justify the assumption of a power not given by the Constitution, the General Government will before long absorb all the powers of legislation, and you will have in effect, but one consolidated Government.

From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument that a single consolidated Government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor the rights and sovereignty of the States, and to confine the action of the General Government strictly to the sphere of its appropriate duties.

Mr. ROBERTSON. Mr. President, will the Senator from Alabama yield? Mr. HILL. I yield.

Mr. ROBERTSON. Is it not a fact that that great Democratic President, Andrew Jackson, by keeping the Federal Government within its legitimate bounds and by refusing to encroach upon the rights and privileges of the respective sovereign States, not only produced an era of great harmony and prosperity, but also was able to pay off every dollar of the national debt?

Mr. HILL. Indeed so; history shows that he made that great record. As the distinguished Senator from Virginia has said, not only did there then develop an era of great harmony and prosperity, but the national debt was then fully paid.

Mr. ROBERTSON. And, as the junior Senator from Alabama [Mr. SPARKMAN] has just whispered to me, Andrew Jackson did not have the advantage of an income tax, either.

Mr. HILL. Indeed he did not; in fact, about the only revenue then available to the Federal Government was that from customs or import taxes. The modern sales taxes did not exist at that time.

Mr. ROBERTSON. Yes; the only revenue then available to the Federal Government was that from tariffs, only.

Mr. HILL. That is correct.

Mr. ROBERTSON. Mr. President, I wish to take this opportunity warmly to commend my distinguished friend, the Senator from Alabama, for the splendid presentation he is making here this afternoon of a vital principle of constitutional government.

As I said earlier in the afternoon, I hope that all our colleagues who were not able to be in the Chamber today will read in the CONGRESSIONAL RECORD the splendid speech of the Senator from Alabama, before they vote on the Javits bill.

Mr. HILL. Mr. President, let me thank my distinguished friend, and tell him how deeply I appreciate his words. I particularly appreciate them inasmuch as they come from one who on yesterday made so magnificent and masterful address on this very subject.

Mr. President, at this time let me point out to the Senate that a later President, a great scholar and teacher of our system of government, also expressed thoughts that we can ignore only at our peril. Woodrow Wilson said:

It is difficult to discuss so critical and fundamental a question calmly and without party heat or bias when it has come once more, as it has now, to an acute stage. Just because it lies at the heart of our constitutional system to decide it wrongly is to alter the whole structure and operation of our Government, for good or for evil, and one would wish never to see the passion of party touch it to distort it. A sobering sense of responsibility should fall upon everyone who handles it. No man should argue it this way or that for party advantage. Desire to bring the impartial truth to light must, in such a case, be the first dictate alike of true statesmanship and of true patriotism. Every man should seek to think of it and to speak of it in the true spirit of the founders of the Government and of all those who have spent their lives in the effort to confirm its just principles both in counsel and in action.

The principle of the division of powers between State and Federal governments is a very simple one when stated in the most general terms. It is that the legislatures of the States shall have control of all the general subject matter of law, of private rights of every kind, of local interests, and of everything that directly concerns their people as communities—free choice with regard to all matters of local regulation and development.

Woodrow Wilson said we tend to think of our American political system as distinguished by its central structure—its President and Congress and courts set up by the Constitution—but “as a matter of fact, it is distinguished by its local structure, by the extreme vitality of its parts. It would be an impossibility without its division of powers.”

He also said:

From the first, America has been a nation in the making. It has come to maturity by the stimulation of no central force or guidance, but by an abounding self-helping, self-sufficient energy in its parts, which severally brought themselves into existence and added themselves to the Union, pleasing first of all themselves in the framing of their laws and constitutions, not asking leave to exist and constitute themselves, but existing first and asking leave afterward, self-originated, self-constituted, self-confident, self-sustaining, veritable communities, demanding only recognition. Communities develop not by external but by internal forces. Else they do not live at all. Our Commonwealths have not come into existence by invitation, like plants in a tended garden; they have sprung up of themselves, irrepressible, a sturdy, spontaneous product of the nature of men nurtured in a free air.

It is this spontaneity and variety, this independent and irrepressible life of its com-

munities, that has given our system its extraordinary elasticity, which has preserved it from the paralysis which has sooner or later fallen upon every people who have looked to their central government to patronize and nurture them.

Let us also pay very close attention, Mr. President, to the following words of the late President Wilson:

The remedy for ill-considered legislation by the States, the remedy alike for neglect and mistake on the part of their several governments, lies not outside the States, but within them. The mistakes which they themselves correct will sink deeper into the consciousness of their people than the mistakes which Congress may rush in to correct for them, thrusting upon them what they have not learned to desire. They will either themselves learn their mistakes, by such intimate and domestic processes as will penetrate very deep and abide with them in convincing force, or else they will prove that what might have been a mistake for other States or regions of the country was no mistake for them, and the country will have been saved its wholesome variety. In no case will their failure to correct their own measures prove that the Federal Government might have forced wisdom upon them.

Wilson concluded his lecture with the assertion that—

We are certified by all political history of the fact that centralization is not vitalization. Moralization is by life, not by statute, by the interior impulse and experience of communities, not by fostering legislation which is merely the abstraction of an experience which may belong to a nation as a whole or to many parts of it without having yet touched the thought of the rest anywhere to the quick. The object of our Federal system is to bring the understandings of constitutional government home to the people of every part of the Nation to make them part of their consciousness as they go about their daily tasks. If we cannot successfully effect its adjustments by the nice local adaptations of our older practice, we have failed as constitutional statesmen.

And still closer to our time, Franklin D. Roosevelt, while Governor of New York, had this to say on the proper relationship between the States and the Federal Government:

Fortunately for the stability of our Nation, it was already apparent (when the Constitution was adopted) that the vastness of our territory presented wide geographical and climatic differences which gave to the States wide differences in the nature of their industry, their agriculture, and their commerce. * * * Thus, already it was clear to the framers of our Constitution that the greatest possible liberty of self-government must be given to each State, and that any national administration attempting to make all laws for the whole Nation, such as was wholly practical in Great Britain, would inevitably result at some future time in a dissolution of the Union itself.

The preservation of this home rule by the States is not a cry of jealous Commonwealths seeking their own aggrandizement at the expense of sister States. It is a fundamental necessity if we are to remain a truly united country.

The whole success of our democracy has not been that it is a democracy wherein the will of a bare majority of the total inhabitants is imposed upon the minority, but because it has been a democracy where through a division of government into units called States the rights and interests of the minor-

ity have been respected and have been given a voice in the control of our affairs. * * * To bring about government by oligarchy masquerading as democracy it is fundamentally essential that practically all authority and control be centralized in our National Government. The individual sovereignty of our States must first be destroyed, except in mere minor matters of legislation. We are safe from the danger of any such departure from the principles on which this country was founded just so long as the individual home rule of the States is scrupulously preserved and fought for whenever they seem in danger.

I have been quoting Franklin D. Roosevelt. After outlining the rights granted by the Constitution to the Federal Government, he said:

As the individual is protected from possible oppression by his neighbors, so the smallest political unit—the town is in theory at least, allowed to manage its own affairs, secure from undue interference by the larger unit of the county, which in turn is protected from mischievous meddling by the State. The whole spirit and intent of the Constitution is to carry this great principle into the relations between the National Government and the governments of the States.

Let us remember that from the very beginning, differences in climate, soil, conditions, habits, and modes of living in States separated by thousands of miles rendered it necessary to give the fullest individual latitude to the individual States. Remembering that the mining States of the Rockies, the fertile savannas of the South, the prairies of the West, and the rocky soil of the New England States created many problems, introduced many factors in each locality, which have no existence in others, it is obvious that almost every new or old problem of government must be solved, if it is to be solved to the satisfaction of the people of the whole country, by each State in its own way.

As I have said, when the Founding Fathers gave up a portion of the sovereignty of the States to the Federal Government, they did so with a great deal of trepidation, and they did so only with the firm conviction that it was unity alone—unity of purpose, unity of resolve, and unity in their mutual dedication to human liberty, that unity about which Andrew Jackson spoke in his farewell address—that could enable the people of our country to long endure and abound in the joy of the priceless legacy which a heroic young Nation had won at the cost of much sacrifice and loss of life.

At this momentous hour in the history of America and of the world, the objective for which we must strive with all of our fervor and determination is unity.

Let us be done, Senators, with this measure before us, which can only distract and misguide our people, which separates and divides us, and which opens the way for the destruction of fundamental rights of the States and the fundamental rights of the people of all the United States.

Let us stand united, strong, and resolute in our unity; let us support squarely the rights of the people of the United States and the rights of the States of the United States, that our Government

may be preserved. Let us stand squarely upon the Constitution of the United States—rock of freedom, ageless and enduring foundation of our rights, our hopes, and our democratic faith.

ORDER FOR ADJOURNMENT UNTIL MONDAY AT NOON

During the delivery of Mr. HILL's remarks,

Mr. DIRKSEN. Mr. President, will the Senator from Alabama yield, in order that I may make a motion, if there is agreement that in yielding for this purpose he will not lose the floor, and that the motion which I intend to make shall appear in the RECORD at the conclusion of his remarks?

Mr. HILL. Yes, Mr. President, with that understanding, I yield for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Then, Mr. President, let me state that I am authorized by the acting majority leader to move that when the Senate concludes its session today, it adjourn until Monday, at 12 o'clock noon.

Mr. President, I so move.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois.

The motion was agreed to.

FILLING OF TEMPORARY VACANCIES IN THE HOUSE OF REPRESENTATIVES

The Senate resumed the consideration of the joint resolution (S.J. Res. 39) to amend the Constitution to authorize Governors to fill temporary vacancies in the House of Representatives.

Mr. SPARKMAN. Mr. President, first, I want to say that I have greatly enjoyed the very able presentation by my colleague the Senator from Alabama [Mr. HILL], as I have the other speeches which have been delivered on this subject. This is a matter of greater importance than perhaps some may be prone to think it is.

I rise to register my opposition to this latest proposal to cut away rights of the States. I refer to the antipoll tax amendment proposed to the measure before the Senate today.

The measure before the Senate, in the form of a Senate joint resolution, proposes an amendment to the constitution which would deprive all States of the right to levy a poll tax as a prerequisite for voting. While I realize a constitutional amendment would have to be ratified by three-fourths of the States, passage of this joint resolution as proposed to be amended would inevitably result in further restricting the rights of States and the granting of more power to the Federal Government.

Some argue that the amendment would affect only five States, that is, Alabama, Mississippi, Arkansas, Texas, and Virginia. I contend that it would affect 50 States, inasmuch as a right is a right, whether it is used or not.

There is another very sound and practical reason for not tampering with the right of the States to levy poll taxes. That reason is simply this: The poll tax is a form of revenue collection used in the five States just named to help with the operation of their State governments. With the Federal Government moving steadily into many fields of taxation, there is little left for the States.

While we struggle here to bring about a balanced Federal budget, let us remember that the States are also having trouble raising necessary funds and balancing their budgets. Although the revenue derived from poll taxes may seem to some to be small, it is of substantial importance to Alabama in the support of our public schools.

I confess that it has caused me considerable wonder from time to time why there is so much concern over the payment of a poll tax as a prerequisite for voting in five States of the Union, and yet there is no particular concern, so far as I have ever known, over requirements in various States for certain property prerequisites.

While we do have a poll tax in Alabama, a great part of the population is exempt from it. Veterans of World War I, World War II, and the Korean conflict, and members of the National Guard, are exempt from the poll tax. All persons over 45 years of age are exempt, as well as the blind, the deaf, and totally disabled persons owning taxable property not in excess of \$500. These exemptions apply to all races. Thus, Senators can see that a substantial number of Alabamians pay no poll tax at all.

Another reason why it is unwise to bring up this legislation is the certain belief, especially of the people in the five States which have the tax, that it is a further effort on the part of Congress to enact or bring about the approval of measures treating with the race issue, to dictate to the States on a State matter.

Now is no time to stir to fever pitch the emotions and feelings of any of our people on the highly controversial and explosive race problem by considering a measure which, regardless of what is intended, will be thought of as further treating with the problem.

As I told the Subcommittee on Constitutional Rights on April 10 of last year, proposed action relating to racial matters, or which may be so interpreted, will speed up deterioration of the previous harmonious relations that existed between the races.

I explained further that I wished each member of the committee could understand the racial tensions that have been generated by civil rights agitation since 1954.

Communication between the leaders of the two races has been largely destroyed. It has become well nigh impossible to settle problems once settled on a mutually satisfactory basis. Suspicion has replaced trust. Fear has replaced mutual confidence.

The unwise and unjustified school desegregation decision of the Supreme Court

in 1954, and agitation for the enactment of measures relating to racial matters, have brought about resentment and distrust between the Negro and the white that will require generations to heal.

Mr. President, I feel very earnestly that all of us need be concerned about the maintenance of the system of government our forefathers set up. They established here a dual system of government, a Republic made up of a federation of sovereign States. There was a system of two spheres of government set up, the Federal, the State. A certain sphere was set off in which the Federal Government was to be absolutely supreme, another one was set off in which the State government was to be supreme. There was no overlapping of the two spheres in which both governments were to operate with concurrent authority.

I believe in that dual system of government. I believe it is the best way to get good government. It is the best way to keep government close to the people by keeping powers lodged in the sovereign States.

I desire to see that system continued. Approval of the amendment before the Senate unquestionably would impair that system.

I cannot emphasize too strongly that the measure before us today, no matter how well intentioned its proponents may be, is in essence another instrumentality or vehicle to enable the Federal Government to make further inroads upon the historic constitutional rights of the States.

Oh, what wrongs some seem willing to commit in the name of treating with the race issue. What madness has seized us that drives men to seek to alter an immutable social phenomenon at the expense of tearing asunder the very fabric of our constitutional government.

There has been no showing whatever that in those few States where a poll tax is yet exacted as a prerequisite to voting there is any disenfranchisement by the tax, or that if such disenfranchisement does occur it falls with any greater force on one race or color than upon another, or that the tax constitutes any unreasonable burden upon the exercise of the right of franchise.

I have pointed out earlier that the poll tax in my own State of Alabama is a revenue measure and that it does indeed produce needed revenue in a State where revenue sources are sorely inadequate.

The people of Alabama do not regard the poll tax as a burden upon the right of franchise. Why do I make such a statement? Because events in Alabama show it to be true. Until a very few years ago, the \$1.50 per year poll tax in Alabama was cumulative in its effect throughout the total number of years a citizen was required to pay a poll tax for the privilege of voting. This period of years is from age 21 through age 45. For many years the law required that if a person did not pay his poll tax in the year he became otherwise eligible to vote, say at age 21, his delinquent poll taxes accumulated until such year as he chose to pay up all his back taxes and vote.

If a person became eligible to vote in Alabama, say at age 21, but did not actually vote until age 45, such person would owe an accumulated tax of \$36.

Over a period of years, many citizens did fall in arrears to such an extent that payment of such back poll taxes became burdensome. Recognizing this burden, the people of Alabama, the people themselves, decided, and acted, to do away with this extensive cumulative requirement.

Acting of their own free will and accord, the people of Alabama voted to wipe out \$30 of every \$36 owed by citizens for back and current poll taxes. In doing so, the State of Alabama lost much revenue and much potential revenue, because all over \$6 in delinquent poll taxes was forgiven.

The people of Alabama acted within their own judgment, acted voluntarily to do this, knowing full well that it would mean losses in revenue to the State of Alabama. But the people of Alabama had themselves been conscious that a heavy accumulation of back poll taxes had become a burden for some upon the exercise of franchise.

The people of Alabama made the decision themselves, free from dictation or compulsion, and knowing full well such action would mean that Alabama would have to find another way to raise the equivalent amount of lost revenue.

I call attention to the fact that the remaining five States where a poll tax is exacted as a prerequisite to voting are among the lowest income States in the Union. Senators from States which enjoy higher incomes should be conscious of this fact.

We do not forget that in the earlier years of our country other States, too, occupied a relatively low position with respect to per capita income. In those days, many other States likewise exacted a poll tax as a prerequisite to voting. As the revenue potential of those States increased, the States, one by one, recognized other sources of revenue and repealed their poll taxes.

Such States reached their own decisions and acted voluntarily. They acted out of their own judgment and in their own circumstances, free from any coercion or usurpation of their historic constitutional authority.

Is there any reasonable basis for assuming that the remaining five States will not themselves pursue a similar course of action when the judgment of the people of those States leads them to feel that such action by them is indicated?

Certainly none will be heard to say that the people of these five States are any less capable of exercising sound judgment or of pursuing wise and judicious courses in the light of their circumstances.

However earnestly some may feel it desirable that we rid ourselves of a poll tax wherever it may be found to exist in this Nation, the means here offered of superimposing the judgment of the National Government and its power upon the historic judgment and power of the five remaining States, are not

justified by the ends that are being sought.

No one should delude himself for one moment into thinking that the means sought in the resolution before the Senate will not bring about a permanent trespass and inroad by the Central Government upon the jurisdiction of the States. It is vain to argue otherwise.

Senators should be aware of the implications of the course which it is proposed this body pursue—a course of continuing this latter-day business of encroaching more and more upon the historic and constitutional rights of the States.

Senators well know the provisions of the Constitution. Each of us has taken an oath to uphold it and defend it. Defense of the Constitution, to my mind, means not alone defense of it against foreign ideologies which threaten to overthrow it and our system of government. Defense of the Constitution includes, in my judgment, defense of it against whimsical and frivolous proposals to change and emasculate it.

Our form of government was conceived in and rests upon the concept of balanced powers. This concept was implemented in the most marvelous document ever to come from the mind of man. Our Constitution is the embodiment of the intellectual artistry of our Founding Fathers.

The balance of powers created by the Constitution is as delicate as the finest instrument with which no reasonable mind would dare to tinker.

Yet, we are called on today to tinker, for the sake of expediency, with the most delicate instrument in the whole world.

If the amendment proposed is adopted upon the recommendation of men and women who are sworn to uphold and defend the Constitution of the United States, there can be no question whatever but that we will have contributed at least a degree of imbalance to the delicate balance created by our Founding Fathers. We will have taken weight from one side and put it on the other side. It will, of course, be argued by some that a little weight and a little imbalance should not make much difference. I charge that it does make a difference—a very vital difference.

It will make a difference in that whatever gradation of imbalance is affected, we will have moved that much further away from perfect balance and perfect functioning—the political equipoise envisioned and provided by the framers of the Constitution.

I am, of course, not so naive as to claim perfection, even in the Constitution, but none will assert that the Constitution is not the most nearly perfect document ever conceived for a government of men.

I am far more concerned with the trend we are pursuing in the attempted management of our affairs than I am with whether people pay a poll tax or do not pay a poll tax.

If we adopt the resolution before us today, we will be accelerating the recent disturbing and alarming trend toward stripping away the elemental essentials

and attributes of State sovereignty as proclaimed, reserved, and guaranteed by the Constitution.

One might be heard to ask: Why some should be so disturbed over such a little preemption of State judgment and authority by the Federal Government? I hold with the old Scotch proverb, "mony muckles mok a mikle," which when translated means "many littles make a lot." Many little imbalances contribute to one large imbalance. Many little trespasses constitute a great encroachment.

I am mortally afraid of the conclusion to which such a course will lead. Today, it is proposed in the resolution before us that the National Government do no more than forbid a State its historic right to levy a poll tax. If this kind of course on which it is proposed we proceed—a course of simply prohibiting or forbidding the individual States to lay down certain requirements for voters—leads to no more than further future enumeration by the Federal Government of qualifications which States may not in their judgment lay down, it will have effectively and completely had the Federal Government preempt the power of the States to act in the area of franchise and elections. The States will no longer have authority or right of judgment in this historic area where judgment and authority are indispensable to the preservation of our system of government.

For anyone to argue that this trend may not go very far is to close his eyes to reality and to one of the most recent public documents filed with the Congress. He need look no further than the recommendations of the Civil Rights Commission, incorporating, for example, a proposal for temporary Federal registrars, a proposal for universal suffrage, a proposal dealing with the preservation of registration and voting records, and a proposal concerning a national census and inquiry into the whys and wherefores of citizens exercise of the heretofore conceived to be our secret ballot.

Some of these proposals deal only with the matter of prohibiting to States certain actions. Others go further and throw the Federal Government bodily over into the business of managing and controlling elections and the election machinery in the several States.

If the Federal Government is given the power to forbid the exercise by the States of reasonable judgment within the area of jurisdiction reserved to them by the framers of the Constitution, it will be only a matter of time until the Congress finds itself powerless to withstand pressures to have the Federal Government run and control completely the franchise processes and the election machinery of this country.

I say it is time that we stop and take a look at the directions in which we are being tossed by the winds of politics and the waves of race emotion and hysteria.

We are caught up in a great psychosis of expediency. Some Senators are letting themselves be driven by sectional feeling and race emotion to support actions which they know within their secret consciences constitute absolute abridgments of the Constitution and

complete rejection of the carefully conceived plans of the framers of the Constitution. State control over the powers and processes of franchise is the hallmark of our republican form of government. Take away such historic and constitutionally delineated jurisdiction and control and vest them in the Central Government and we will begin the inauguration of autocratic power in "the land of the free." Oh, I know this will not come about overnight. Nor will it come as a result of any single action, but if this proposed constitutional amendment becomes the law of the land, we will have taken a long leap toward the substitution of autocratic government for representative self-government, through a process of erosion and attrition—step by step and bit by bit. We will have insured for ourselves autocratic government just as surely and as effectively as if we repealed outright and forthwith article I, section 2, and the 10th amendment to the Constitution albeit we will have seen it come a little more slowly.

Nothing could be clearer than that the proposal before the Senate today is in direct conflict with the Constitution of the United States. The courts have uniformly held that the States have broad powers to determine the conditions under which the right of suffrage may be exercised. *Lassiter v. North Hampton County Board of Elections* (360 U.S. 45); *Pope v. Missouri* (179 U.S. 328, 633); *Mason v. Missouri* (179 U.S. 328, 335). Article I, section 2 of the Federal Constitution in its provision for the election of the House of Representatives and the 17th amendment in its provision for the election of Senators provide that officials shall be chosen "by the people." Each provision goes on to state that the "electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." Moreover, the right to vote "refers to the right to vote as established by the laws and constitution of the State"—*McPherson v. Blacker* (146 U.S. 1, 39).

Members of the Senate would be well-advised to reread, or read if they have not read it, the decision in the case of *Pope v. Williams* (193 U.S. 621, 632):

The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States. . . . It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper, provided, of course, no discrimination is made between individuals in violation of the Federal Constitution.

Notwithstanding the clear wording and intent of the Federal Constitution, as uniformly interpreted by the courts, it is proposed by the resolution before us to have the Federal Government get into the business of fixing voter qualifications in the various States. True, the resolution accomplishes it backhandedly by forbidding States to fix a certain qualifi-

cation. But the effect is no less harmful or destructive than a positive proclamation of a qualification.

The proposal, if adopted, will undermine the entire fabric of our system of government.

Regardless of such good intent as the sponsors of the resolution may have, the resolution has the practical effect of asking Members of the Senate and House of Representatives to recommend that the historic meaning of the Constitution of the United States be violated and that the intention of our Founding Fathers be ignored and their judgment repudiated.

It is no mere happenstance that the conduct of elections and the fixing of qualifications of electors has been left to the States. The concept is basic, the one to serve as a check upon the other. The importance of this repository of power has been stressed by the Supreme Court in innumerable cases. It is well expressed in *Quinn v. United States* (238 U.S. 347). There the Supreme Court characterized the power of the State government over suffrage as one "which has belonged to those governments from the beginning and without the possession of which power, the whole fabric, upon which the division of State and National authority under the Constitution and the organization of both governments rests, would be without support and both the authority of the Nation and the States would fall to the ground."

These are strong words. Unquestionably they were not lightly spoken. The power of the States over suffrage, which must include the power to fix the qualifications of voters, is undoubtedly, as the Supreme Court said it was, basic to the foundation of our Government.

The proposal before us would, if adopted and ratified, limit the power of the States with respect to the fixing of voter qualifications. It is true that the limitation would be only as respects the exaction of a poll tax. But, no matter how narrow this limitation, it is nevertheless a limitation upon the historic and constitutional power of the States.

A limitation is a limitation. Where the delicate balance of power between the States and the Federal Government, where our historic system of checks and balance is involved, the degree of the limitation is unimportant.

The fact that a limitation of any degree is imposed where none was previously imposed is the vital question. Whatever can be done by degrees can ultimately be accomplished in wholesale fashion. I, for one, would never support any measure which ran counter to the letter and the spirit of the Constitution in a matter so intimately associated with the delicate balance of powers upon which the preservation of our system of government rests.

If this resolution before us should be submitted to the legislatures of the several States and to the people, there can be no escaping the conclusion that it carries with it the recommendation of this body: That the Founding Fathers were wrong; that the Supreme Court has been wrong throughout our history in holding

that the plenary powers of State government over suffrage were essential to the continued existence of both State and national authority under the Constitution; and that the Constitution should be overthrown to the degree and to the extent that control over at least some of State authority over elections and election machinery should be taken away from the States. As for me, I propose to abide by the Constitution and to leave suffrage and the regulation of it where it has always belonged—indeed, where it has always been.

I cannot support this proposal which will have the effect of disturbing and upsetting and throwing out of balance the historic and delicate balance of powers recognized and safeguarded by the Constitution in the system of checks and balances which our forefathers intended should never be disturbed.

It is inconceivable to me that the U.S. Senate should, with all the many problems besetting the Nation and the world today, burden itself with the consideration of legislation that is as narrow in immediate application as that which proposes the constitutional amendment now under discussion. It is inconceivable that 100 Senators should spend so much of their precious time—time that is critically needed for consideration of other subjects—in proposing a change in the Constitution aimed today at 5 of the 50 States in the Union.

We have other things to do than to rewrite the Constitution in a way that destroys the rights of the five States which choose to continue to employ voting requirements that many other States, North and South, have exercised throughout the life of this country.

I happen to think that my colleagues and I would be devoting ourselves far more in the national interest if we spent our time and energies in trying to hammer out legislation for a workable farm program, for the farmers of all 50 States, rather than spend, as we are doing, hours and hours on a measure aimed at affecting only 5 States.

The only national aspect that I can see to this resolution is that it adds dangerous fuel to a fire which may ultimately consume the cloak of sovereignty of every State in the Union.

Make no mistake about it, if this proposed amendment is adopted and ratified, every State in the land will have surrendered a part of its sovereignty to the National Government or, rather, had such sovereignty taken away by a wave of emotion and rash action. Each and every State will be less free and less sovereign than it was before.

Senators know that one encroachment invites another. Precedents invite a succession of actions. Wrongs have a way of begetting wrongs.

Today, it is the poll tax in only one-tenth of the States that is under attack. But let other States take heed. Tomorrow, it may be some qualification peculiar to them which will be under attack. It may be proposed that the Federal Government forbid citizens in other States to do what they are doing—

something they feel, and the courts uphold them in their feeling, they are entitled to do under the authority of the Constitution of the United States.

The young State of Alaska, for example, permits striplings of 19 to cast a ballot. Will the people of Alaska be told by the Federal Government that their 19-year-old citizens are forbidden longer to vote? Will Georgia be told that its 18-year-old citizens must not cast a ballot? Or will we by that time have reached the point where the Federal Government will be affirmatively prescribing and ordering voter qualifications? Will every State be told that, since we are a great conforming mass, all States must be and must act exactly alike and that all 18- and 19-year-old citizens must be permitted to vote?

Will Idaho be told by the Federal Government that it must admit to the ballot all Chinese or persons of Mongolian descent not born in the United States? Today, Idaho excludes such persons from the ballot.

Will the Federal Government decide tomorrow it wishes to take over the whole field of residence requirements in the various States and counties and beats? Senators know that there is the widest variation among States, counties, cities, and beats as to the residence requirements as a requisite to the right of franchise.

Will the Federal Government seek to tell the State of New Hampshire that its 6 months' requirement for voting in a town is too long a period?

Will the Federal Government tell the State of Ohio that it cannot require persons living in a precinct or ward to live in a precinct or ward for 40 full days before becoming eligible to vote?

Or will the Federal Government decide, for example, that the State of Nebraska has the fairest ward or precinct voting requirement—only 10 days residence required and that this must be taken as a national standard?

Will the Federal Government decide that Colorado has the ideal residence requirement for voting in a city or town?

Will the Federal Government, under our conforming mass theory, say every State and every town and city must have exactly the same residence requirements?

Will the Federal Government decide that Oregon, with its 6 months' State residence requirement as a prerequisite to voting, has the ideal waiting period; that any longer waiting period anywhere discriminates against transients and hoboos, or whoever they be?

Will the Federal Government, under our conforming mass theory, decide that the rights of transients and hoboos can be protected only if a 6 months' residence requirement is fixed in every State?

I understand that New Hampshire does not exclude from the ballot idiots and insane persons under guardianship. I am looking at a document compiled by the Legislative Reference Service of the Library of Congress on qualifications for voting. The document is dated July 27, 1959. I note from the Library of Con-

gress compilation that some three or four other States act as does New Hampshire with respect to idiots and insane persons under guardianship.

I am sure that New Hampshire and the other few States like her in this respect have good and sufficient reason for their laws. I have faith in these States and confidence in the judgment of their legislators and their people. I do not question what these States might have done, or their motives. But it appears from the Library of Congress compilation that all of the rest of the States in the Union, well over 40 of them, do not admit idiots and insane persons under guardianship to the ballot. Will the Federal Government in time decide that exclusion of such persons from the ballot is a discrimination against such persons?

Will the Federal Government, in keeping with this latterday conforming mass theory, prohibit and forbid other States to exclude idiots and insane persons under guardianship from the ballot? Or, will it be decided that the removal of any such discrimination can perhaps more readily be accomplished and the conforming mass theory better effectuated by having the Federal Government forbid New Hampshire and the other few States like her to admit insane persons and idiots under guardianship to the ballot? We should ask ourselves what it is that we are seeking? Is it the removal of discriminations or is it the effectuation of a perfect conforming mass of human matter where we are today free, separate, and distinct individuals who are proud to exhibit unfettered bodies, hearts, and minds, motivated by a soul.

America was settled by people from the Old World who were sick and tired and sore at heart from being regimented, oppressed, and made to conform to the will of autocratic power. The settlers of this country came here to escape regimentation, oppression, and conformity. They came here in search of personal liberty and individuality and the opportunity to be what they aspired to be and what God in His Heaven ordained that they be. If they had wanted to remain exactly like everybody else, one mass of human misery, penury, and degradation, they would have stayed right where they were and never have come to these shores.

How often we speak of the freedom and dignity of the individual. Indeed, we have achieved the highest degree of individual dignity ever achieved on the face of the earth. Our people have attained and enjoyed a higher dignity because they have been free and individualistic and because they have escaped from the kind of entombed mass of miserable humanity some would unwittingly have us go back to.

This conforming mass theory constitutes an impeachment of the very ideal of the freedom and dignity of man proclaimed by the Declaration of Independence and realized under the guarantees of our Constitution.

Up to this point in the life of our country, we have managed to get and

stay further away from the conforming mass theory than anywhere else on the face of the globe. If we succumb now to the force of Federal edict and usurpation of State powers where, I ask, can those persons who still wish to be different find a haven? America is the last great stronghold of individualism; the last great bastion of individual dignity.

Let us keep it that way.

Mr. THURMOND. Mr. President, I rise in opposition to the proposed constitutional amendment which would prohibit the imposition of a poll tax as a condition of suffrage by a State.

Let me say, at the outset, that I find no particular virtue or advantage in a poll tax as a condition to voting. At the time I was elected Governor of South Carolina in 1946, the constitution of South Carolina contained a provision which made the payment of a poll tax a prerequisite to voting eligibility. I felt then, and I feel now, that the poll tax was not a satisfactory source of revenue for the State, nor was it a suitable or workable prerequisite to exercise of the ballot. I, therefore, proposed to the legislature that a constitutional amendment repealing this requirement be submitted to the people of the State. The legislature concurred in my proposal and submitted the constitutional amendment to the people, who voted favorably thereon. The payment of a poll tax is, therefore, no longer a condition of suffrage in South Carolina.

There have been numerous proposals for Congress to attempt to prohibit poll taxes by enactment of a statute. It is a credit to the Senate that the question we face now is not before us in the form of a proposed statute, for the Constitution gives the Federal Government no authority to act in this field. The very fact that we are now debating a proposed constitutional amendment dealing with this matter is a clear-cut recognition by the Senate that Congress at present has no constitutional authority in the matter of voter qualifications or eligibility. This is, however, about the only encouraging feature of the proposal with which we are confronted.

Mr. President, in the days following the war for independence with England, commonly referred to as the American Revolution, our forefathers inaugurated what historians call an experiment in democracy. I believe that the historians' characterization is accurate, when properly defined.

Mr. Webster gives two definitions to the word "experiment." One definition defines an "experiment" as "a trial or special observation made to confirm or disprove something doubtful." It appears, Mr. President, that the proponents of the proposed constitutional amendments view the work of our Founding Fathers in light of this definition, and that they particularly dwell in their thoughts on the last word, "doubtful."

There is another definition given by Mr. Webster for the word "experiment," and it is in the sense of this definition that history will affirm that our constitutional federated republic was an "ex-

periment in democracy." The definition which is correct for this use of "experiment" is "an act or operation undertaken to test, establish, or illustrate some suggested or known truth."

The difference in these definitions as applied in this instance is simple. The former indicates that our Founding Fathers were basically ignorant in the principles of government, embarking on an unlighted course without means of navigation, or in modern parlance, betting blindly on a long shot. Our 170 years of glorious history and progress under the government planned by the God-inspired wisdom of the drafters of the Constitution dramatically demonstrates the inaccuracy of the phrase "experiment in democracy" if defined in such a sense.

Every facet of our daily lives bears unquestionable proof that those who conceived our governmental system were steeped in understanding of the lessons taught by the history of man's struggle to devise a government under which he could enjoy the opportunity to achieve his destiny, and that their thinking was balanced by practical experience of the inequities and abuses that inevitably flow from ineptly designed or selfishly administered government. With what could have been no less than divinely inspired wisdom, their experiment in democracy was an operation to illustrate a known truth.

Mr. President, let us examine some of the practical problems and basic concepts which were foremost in the thinking of those who conceived of our constitutional federated republican form of government.

There were in America 13 newly independent States, isolated geographically from the rest of the civilized world, and from a contemporary standpoint, weak militarily, individually and even collectively. Far from being a homogeneous society, they were bound together by no legal bonds, their working relationship having sprung primarily from a common cause against a common enemy. Even the fervor for the common cause varied substantially in degree from one State to another.

The efforts for union of these States was born, not from any feelings of self-identification by the peoples of one State with those of another, but from a necessity for survival. There was no desire for equality or similarity of treatment with the peoples of another State, for all of those hearty souls were too fresh in the memory of the suffering which stemmed from an "equality of treatment" given by England to the several colonies. The experience acquired as colonists inspired an intense desire for self-determination, as well as a well-founded mistrust of any governmental unit which could not be observed and controlled close at hand.

It was undoubtedly this very heterogeneity among the several independent States that emphasized in the minds of the Founding Fathers the historically proven truth that any government worthy of existence must preserve and protect the maximum degree of local self-government, with only the minimum

degree of power absolutely essential to military survival and economic progress vested in a central government. This principle of government is a truth, as valid in every respect today as it was in the days following the Revolution, specifically proven once and for all by the constitutional drafters' "experiment in democracy."

Mr. President, the federated structure of our governmental system is the principal reason for its continued successful existence. It was not for the primary purpose of protecting basic rights of individuals that the U.S. Constitution was designed. The people of the various States were aware that they could well protect themselves from despotic action by a government within their own State. Each State government is completely capable of protecting individual rights of its citizens with safeguards against the loss of personal liberty and freedom. The governments of the several States served their people well in this respect before the Union was formed, and have continued to do so within the framework of the Union. All of the States do not impose the same requirements on their citizens, nor do all the States provide either the same substantive rights or the same procedural remedies for their citizens.

The lack of uniformity among the several States is not to be deplored, but rather to be acclaimed. Conformity is not natural to people of different regions, who enjoy different political, religious, and social heritages, who live under different economic conditions or even live in different climates. We should constantly keep in mind that conformity is not a goal of our democracy. It is a goal of absolute forms of government, such as communism; and absolute forms of government exist, in the final analysis, by force—not from the support of the people. The advantage we enjoy from democracy over dictatorial regimes stems solely from the individualism of democratic peoples.

Let us be candid. Conformity is despicable, a blight and leech on the progress of society, for it can be attained only at the level of the lowest common denominator.

The federated system of government is designed to thwart conformity. It is a system whereby the peoples of different mores can work together in harmony for their mutual advantage. The federated system is an agreement to disagree. Let us not endanger the structure itself by attempting to achieve a greater degree of conformity.

One of the great assets of our federation, Mr. President, is that no one need endure the laws of a particular State if they be repugnant to him. The Constitution provides for a full and free commerce between States. If, for example, one objects to the poll tax as a condition of suffrage in the State of his residence, he is perfectly free to remove to one of the 45 States which impose no such qualification.

When the Union was formed, there was a total of 13 States. There were substantial differences in the economies

of the various States, as there were in the areas of political, religious, and social heritages. They were truly heterogeneous, as I have stated. But how much greater the heterogeneity of the various States today. There are now 50. They are spread from the semitropics of Florida to the arctics of Alaska, from the deserts of Arizona to the Pacific-washed isles of Hawaii. Whereas the Thirteen Original States had differences in economy, we now have a dissimilarity which is far greater in degree. Where once a dozen religious beliefs held sway, thousands flourish. The common language which we share has facilitated understanding, but let us not deceive ourselves into believing that it has destroyed our differences. God willing, our individualism will survive forever.

There is no reason, therefore, to change the pattern of nonconformity which has proved successful. We have already endangered the system by our conformity efforts at the Federal level through an abusive expansion of powers of the Central Government. If, indeed, there should be any additional transfer of constitutional powers, it should be in the other direction.

Mr. President, a constitutional amendment is a serious matter and should not be proposed in the absence of compelling reasons. Partisan or political considerations should be put aside, and play no part in this vital area.

How much urgency is there for such drastic action in the form of a constitutional amendment to eliminate the poll or capitation tax as a condition of suffrage? None. It is a matter of small import, blown up all out of proportion by overemphasis from politically inspired propaganda.

In the days immediately following the Revolution, the former Colonies, then States, performed a minimum—but adequate for the times—amount of service. The expenses of government were comparatively slight. The burdens of government fell less evenly on the population than is normal in a State today. It was the general feeling that those who bore the responsibilities of government should exercise the ballot. It is not surprising that the ownership of property and the payment of taxes were common and usual prerequisites to the right of suffrage.

In the early days of the Union, there were no direct taxes of any consequence on the populace for the support of the Federal Government. The costs were so slight that they could be and were borne almost entirely by tariffs.

As an expression of the belief that those who bore the responsibility of government should vote, all of the States imposed taxation, or its equivalent, property ownership as a condition of eligibility for voting. These voters eligibility requirements were summarized by the U.S. Supreme Court in *Minor v. Happerset* (21 Wallace 162), as follows:

Thus in New Hampshire, "every male inhabitant of each town and parish with town privileges, and places unincorporated in the State, of 21 years of age and upward, excepting paupers and persons excused from

paying taxes at their own request," were its voters; in Massachusetts, "every male inhabitant of 21 years of age and upward, having a freehold estate within the commonwealth of the annual income of £3, or any estate of the value of £60"; in Rhode Island, "such as are admitted free of the company and society" of the Colony; in Connecticut, such persons as had "maturity in years, quiet and peaceable behavior, a civil conversation, and 40 shillings freehold or £40 personal estate," if so certified by the selectmen; in New York, "every male inhabitant of full age who shall have personally resided within one of the counties of the State for 6 months immediately preceding the day of election * * * if during the time aforesaid he shall have been a freeholder possessing a freehold of the value of £20 within the county, or have rented a tenement therein of the yearly value of 40 shillings, and been rated and actually paid taxes to the State"; in New Jersey, "all inhabitants * * * of full age who are worth £50; proclamation money, clear estate in the same, and have resided in the county in which they claim a vote for 12 months immediately preceding the election"; in Pennsylvania, "every free man of the age of 21 years, having resided in the State for 2 years next before the election, and within that time paid a State or county tax which shall have been assessed at least 6 months before the election"; in Delaware and Virginia, "as exercised by law at present"; in Maryland, "all free men above 21 years of age having a freehold of 50 acres of land in the county in which they offer to vote and residing therein, and all free men having property in the State above the value of £30 current money, and having resided in the county in which they offer to vote 1 whole year next preceding the election"; in North Carolina, for Senators, "all free men of the age of 21 years who have been inhabitants of any one county within the State 12 months immediately preceding the day of election, and possessed of a freehold within the same county of 50 acres of land for 6 months next before and at the day of election," and for members of the house of commons, "all free men of the age of 21 years who have been inhabitants in any one county within the State 12 months immediately preceding the day of any election, and shall have paid public taxes"; in South Carolina, "every free white man of the age of 21 years, being a citizen of the State and having resided therein 2 years previous to the day of election and who hath a freehold of 50 acres of land, or a town lot of which he hath been legally seized and possessed for at least 6 months before such election, or (not having

such freehold or town lot), hath been a resident within the election district in which he offers to give his vote 6 months before such election, and hath paid a tax the preceding year of three shillings sterling toward the support of the Government"; and in Georgia, "such citizen and inhabitants of the State as shall have attained to the age of 21 years, and shall have paid tax for the year next preceding the election, and shall have resided 6 months within the county."

Clearly, Mr. President, conditioning suffrage on payment of taxes was the normal and usual practice in the early days of the Union.

As time has passed, the services and misservices of government, both of which are extremely expensive—as is illustrated by the size of the national debt—have increased enormously. In an unsuccessful attempt to pay for these Government functions, innumerable taxes at both the Federal and State levels have been levied. As a result, there is almost no one who does not share in the responsibility of government insofar as finances are concerned. With a few exceptions, the burden of taxes is so widespread that a taxpayer prerequisite to suffrage excludes practically no one. Most States have recognized this fact, and have repealed meaningless constitutional and statutory provisions imposing such eligibility requirements. At the present time, there remain only five States which still have such requirements on voting privileges.

As in the States which have abandoned such voting requirements as the poll or capitation tax payment, the requirements in the remaining five are undoubtedly meaningless from a practical standpoint. Such a tax is rarely as high as \$5 a year, and in this inflationary economy the number of people who cannot pay this low amount is small indeed.

Mr. President, I do not mean to imply that there are not substantial numbers of people in the five States which require payment of poll or capitation tax as a condition to voting who do not pay the poll or capitation tax. Although I have no statistics on this matter, I assume that there are large numbers who are delinquent. It is a known fact that

large numbers of the American people are complacent about exercising their ballot. This is amply illustrated by the fact that a substantial percentage of those who register to vote do not participate in the election itself. It is only logical to assume that a major portion of those who do not pay their poll or capitation tax, have the financial ability, but do not have sufficient interest in voting to pay the tax. This is borne out in States which had, but recently repealed, poll-tax requirements. There has been no substantial increase in the registration or voting in South Carolina since the repeal of the constitutional provision which made payment of a poll tax a condition of eligibility to vote.

The only logical conclusion to be drawn from an objective analysis of the situation is that we are conducting an exercise in self and public deceit. There is no real consequence to the issue about which this proposal has arisen. Even were the proposed constitutional amendment passed by the Senate and the House, and ratified by the States, it would have no significant effect on the numbers of persons who have the opportunity to vote, nor on the number of persons who fulfill their responsibility by exercising the right of the ballot.

Mr. President, as I have said, although my State, upon my recommendation while I was Governor, has repealed the poll tax as a prerequisite for voting, it is my firm conviction that this is a matter which should be left to each State. Therefore, I oppose passage of the joint resolution to amend the Constitution in the manner proposed, which would take away a certain right which now rests within the States and would transfer it to the Central Government in Washington.

ADJOURNMENT TO MONDAY

Mr. ALLOTT. Mr. President, under the order previously entered, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 41 minutes p.m.) the Senate adjourned, under the order previously entered, until Monday, February 1, 1960, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

Informational, Educational, and Cultural TV Programs

EXTENSION OF REMARKS

OF

HON. CLIFFORD P. CASE

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Friday, January 29, 1960

Mr. CASE of New Jersey. Mr. President, I congratulate the three major networks on their decision to devote an hour each week of their most valuable

time to cultural and educational programs which will start next November.

Such voluntary cooperation to improve television programming should be encouraged.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement which I made on the subject on January 17.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CLIFFORD P. CASE

The suggestion by Chairman John C. Doerfer of the Federal Communications Commission Thursday that the television networks set aside a half hour each weekday

night for informational, educational, and cultural shows makes a lot of sense.

It would give real meaning to the Federal Communications Act requirement that our television stations be operated in the "public interest, convenience, and necessity."

Such a step toward setting a floor or minimum standard during the preferred evening time would help achieve the goal of balanced programming. Possibly an hour, rather than a half hour, would be required for a realization of the full potential of this type of program. I mention this since minimum standards, once established, so often tend to become maximum ones.

I am pleased to read the initial responses of the three major networks. I recognize the strong pressures which competition forces on them in programming and I feel

that this suggestion can help them achieve a higher standard of service by placing all of them on the same basis.

As the ranking Republican on the Senate Communications Subcommittee, I believe our subcommittee should determine

promptly whether additional legislation is necessary in order to give effect to this suggestion.

SENATE

MONDAY, FEBRUARY 1, 1960

Rev. James Clayton Pippin, minister, First Christian Church, Falls Church, Va., offered the following prayer:

Eternal God, Thou who art the King of Kings and the Lord of Lords, and upon whose shoulders all the governments of this world rest, empower these, Thy children, with the strength to be worthy servants under Thy rule. May our trust in Thee be stamped upon the coin of our character, that with pure motive we, as a Nation, would be faithful to Thee, not primarily because some other nation is faithless, and not only because we desire our Nation to be perpetuated, but grant, O God, that we may serve Thee because we love Thee and because we know that a Nation so serving makes Thy great heart glad.

As we begin the month in which we celebrate the birthdays of two of our greatest Americans, may their spirit of faith and brotherhood be born anew in us. Although a monument may never be built in our name, guide us so to labor toward preserving the ideals of this good land that theirs may never be torn down.

O Thou who art the seat of all wisdom, give us the wisdom to be loyal to Thee above any party, above any selfish desire for gain, that this grand Ship of State may sail on and on, until the day when the kingdoms of this world shall have become the Kingdom of Thy Son, our Lord, in whose name we pray. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, January 29, 1960, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF FARM CREDIT ACT OF 1933, RELATING TO CERTAIN INCREASED REPRESENTATION

A letter from the Governor, Farm Credit Administration, Washington, D.C., transmitting a draft of proposed legislation to amend

the Farm Credit Act of 1933 to provide for increased representation by regional banks for cooperatives on the Board of Directors of the Central Bank for Cooperatives (with an accompanying paper); to the Committee on Agriculture and Forestry.

STATEMENT OF RECEIPTS AND EXPENDITURES OF CHESAPEAKE & POTOMAC TELEPHONE CO.

A letter from the vice president, the Chesapeake & Potomac Telephone Co., Washington, D.C., transmitting, pursuant to law, a statement of receipts and expenditures of that company, for the year 1959 (with accompanying papers); to the Committee on the District of Columbia.

REPORT AND RECOMMENDATION CONCERNING CLAIMS OF GOVERNMENTS OF ISRAEL AND FRANCE AGAINST THE UNITED STATES

A letter from the Secretary of State, transmitting, for the information of the Senate, a report and recommendation concerning claims of the Governments of Israel and France against the United States (with an accompanying paper); to the Committee on Foreign Relations.

REMOVAL OF REQUIREMENT THAT GRANTORS FURNISH, FREE OF EXPENSES, EVIDENCES OF TITLE

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to repeal that part of the act of March 2, 1889, as amended, which requires that grantors furnish, free of all expenses to the Government, all requisite abstracts, official certifications and evidences of title (with an accompanying paper); to the Committee on Government Operations.

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT, TO PERMIT CONVEYANCES AND GRANTS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, as amended, to permit conveyances and grants to States, counties, municipalities or other duly constituted political subdivisions of States of interest in real property which are needed for an authorized widening of a public street, highway or alley, and for other purposes (with an accompanying paper); to the Committee on Government Operations.

REPORT ON REVIEW OF USE OF CONTRACTOR-FURNISHED DRAWINGS FOR PROCUREMENT PURPOSES, NAVY DEPARTMENT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the use of contractor-furnished drawings for procurement purposes, Department of the Navy, dated January 1960 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CERTAIN CONTRACTS MADE BY DEPARTMENT OF THE INTERIOR

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a report on contracts made under the provisions of the act of June 4, 1936 (49 Stat. 1458, 1459), for the fiscal year 1959 (with accompanying report); to the Committee on Interior and Insular Affairs.

AMENDMENT OF LAW RELATING TO MINING LEASES ON CERTAIN LANDS

A letter from the Assistant Secretary of the Interior, transmitting a draft of pro-

posed legislation to amend the law relating to mining leases on tribal Indian lands and Federal lands within Indian reservations (with accompanying paper); to the Committee on Interior and Insular Affairs.

DONATION OF A CERTAIN TRACT OF LAND TO THE PUEBLOS OF ZIA AND JEMEZ, N. MEX.

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to donate to the pueblos of Zia and Jemez a tract of land in the Ojo del Espiritu Santo Grant, New Mexico (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF PROCEEDINGS OF ANNUAL MEETING OF JUDICIAL CONFERENCE

A letter from the Chief Justice of the United States, transmitting, pursuant to law, a report of the proceedings of the annual meeting of the Judicial Conference of the United States, held at Washington, D.C., September 16-17, 1959 (with an accompanying report); to the Committee on the Judiciary.

AMENDMENT OF CODE RELATING TO PENALTIES FOR THREATS AGAINST THE SUCCESSORS TO THE PRESIDENCY

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend title 18, United States Code, sections 871 and 3056, to provide penalties for threats against the successors to the Presidency and to authorize their protection by the Secret Service (with accompanying papers); to the Committee on the Judiciary.

GRANTS-IN-AID TO CERTAIN NONPROFIT INSTITUTIONS

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Public Health Service Act to authorize grants-in-aid to universities, hospitals, laboratories, and other public or nonprofit institutions to strengthen their programs of research and research training in sciences related to health (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT ON CERTAIN POSITIONS COMPENSATED UNDER PUBLIC LAW 623, 84TH CONGRESS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on positions in grade 16 compensated under Public Law 623, 84th Congress, at that Administration, for the calendar year 1959 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT ON CERTAIN POSITIONS IN FEDERAL BUREAU OF INVESTIGATION

A letter from the Director, Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, a report on positions in grades GS-16, GS-17, and GS-18, in that Bureau, as of December 31, 1959 (with accompanying papers); to the Committee on Post Office and Civil Service.

REPORT OF U.S. ATOMIC ENERGY COMMISSION

A letter from the Chairman and members of the U.S. Atomic Energy Commission, transmitting, pursuant to law, the annual report of that Commission for the calendar year 1959 (with an accompanying report); to the Joint Committee on Atomic Energy.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a list of papers and documents